

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

ULKU ROWE,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civ. Action No. 19-cv-08655-JHR

AMENDED JOINT PRETRIAL ORDER

Pursuant to the Court's June 23, 2023 Scheduling Order (ECF No. 300), Plaintiff Ulku Rowe and Defendant Google LLC (collectively, the "Parties") in the above-captioned action submit to the Court for its approval the following Amended Joint Pre-Trial Order.

A. FULL CAPTION OF THE ACTION

The full caption of this action is set forth above.

B. APPEARANCES

Plaintiff:

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C. SUBJECT MATTER JURISDICTION

As Plaintiff brought claims under federal statute, including Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e et seq., and the Equal Pay Act, as amended, 29 U.S.C. § 206(d), this Court had original jurisdiction of this matter pursuant to 28 U.S.C. § 1331. On August 31, 2021, Plaintiff voluntarily dismissed her federal claims with prejudice and the Court retained jurisdiction over the remaining New York State and City law claims. (*See* ECF No. 132).

D. SUMMARY OF CLAIMS

1. Plaintiff's Claims

Plaintiff's asserted claims that remain to be tried are:

- a. Sex-based pay discrimination in violation of New York's Equal Pay Law (N.Y. Lab. L. § 194) (Count IV of Plaintiff's Second Amended Complaint);
- b. Gender discrimination in violation of the New York City Human Rights Law (N.Y.C. Admin. Code § 8-101 et seq.) (Count V of Plaintiff's Second Amended Complaint);
- c. Retaliation in violation of the New York City Human Rights Law (N.Y.C. Admin. Code § 8-101 et seq.) (Count VI of Plaintiff's Second Amended Complaint); and
- d. Retaliation in violation of New York's Equal Pay Law (N.Y. Lab. L. § 215) (Count VIII of Plaintiff's Second Amended Complaint).

2. Defendant's Defenses

Defendant's affirmative defenses that remain to be tried are:

- a. To the extent Plaintiff can establish that she was denied equal pay for equal work under New York Labor Law § 194, such alleged unequal pay was lawful and not a violation of the New York Labor Law because it was pursuant to a differential based on any factor other than sex which is job-related and consistent with business necessity;
- b. Plaintiff cannot recover liquidated or punitive damages because at all times relevant to the Second Amended Complaint Defendant had in place a policy to prevent discrimination and retaliation in the workplace and made good faith efforts to implement and enforce that policy.
- c. Plaintiff may not recover liquidated damages because Defendant had a good faith basis to believe that its actions were in compliance with the law.

E. TRIAL OF THE CASE

The Parties believe that the issues in dispute can be tried in 8 trial days, and those issues will be tried by a jury.

F. CONSENT TO MAGISTRATE

The Parties do not consent to trial by a magistrate judge.

G. WITNESS LISTS

1. Plaintiff's Witnesses

a. Plaintiff's Trial Witness List

Plaintiff identifies the following witnesses whom she may call live or by deposition at trial. Pursuant to the Court's Individual Rule and Procedure for Civil Cases 7.A.viii, Plaintiff provides the following list of trial witnesses she genuinely intends to call in her case-in-chief. This list is not a commitment that Plaintiff will call any particular witness at trial, or a representation that any of the witnesses listed are available or will appear for trial. If any witness is unavailable, Plaintiff reserves the right to use his or her deposition testimony or to call a

substitute witness. If any of the potential trial witnesses identified by Defendant fail to appear for trial, Plaintiff reserves the right to use their deposition testimony. Plaintiff also reserves the right to call at trial in their case: (1) any witnesses identified by Defendant on their witness list live or by deposition; (2) additional witnesses to provide foundation testimony should Defendant contest the authenticity or admissibility of any materials to be proffered at trial; and (3) additional witnesses not identified herein based upon any developments that may occur leading up to and/or during the course of the trial. Plaintiff also may call witnesses, including persons not listed herein, in their rebuttal to Defendant's case, or for impeachment or foundational purposes. Plaintiff further reserves the right to amend this list or to respond to issues raised by the Court's pretrial rulings. Other than the foregoing, Plaintiff does not anticipate the need for additional witnesses.

Chart 1: Will Call

Witness Name	Manner of Appearance	Description of Testimony	Estimated Length of Testimony
Beaupain, April	Live	Google's ER policies and practices; Ms. Rowe's complaints and her role in investigating those complaints; and other facts and circumstances related to Ms. Rowe's claims in this lawsuit.	1 hour
Breslow, Stuart	Live	His qualifications and selection for the FSVL role; his responsibilities, terms and conditions, performance, and compensation in his position(s) under Tariq Shaukat; his work with Plaintiff; and other facts and circumstances related to Ms. Rowe's claims in this lawsuit.	.5 hours
Eryurek, Evren	Deposition	His responsibilities, terms and conditions, performance, and compensation in the OCTO Director role; his work with Ms. Rowe; his and Ms. Rowe's move to Mr. Shaukat's organization; and other facts and circumstances related to Ms. Rowe's claims in this lawsuit.	.5 hours

Grannis, William	Live	His background; Ms. Rowe's hiring, initial leveling, and compensation decisions; Ms. Rowe's performance in OCTO; Ms. Rowe's consideration and qualifications for the FSVL position; Ms. Rowe's work in and transfer out of Mr. Shaukat's organization; and other facts and circumstances related to Ms. Rowe's claims in this lawsuit.	.75 hours
Harteau, Nicholas	Live	His responsibilities, terms and conditions, performance, and compensation in the OCTO Director role; his work with Ms. Rowe; and other facts and circumstances related to Ms. Rowe's claims in this lawsuit.	.5 hours
Kurian, Thomas	Live	His knowledge of the lawsuit as indicated in Exhibit P83	.25 hours
Lawrence, Melissa	Live	Google's HR policies and practices; Ms. Rowe's complaints and her role in investigating those complaints; Ms. Rowe's performance; and other facts and circumstances related to Ms. Rowe's claims in this lawsuit.	1 hour
Lucas, Kevin	Deposition	Google's HR policies and practices; Ms. Rowe's complaints and his role in investigating those complaints; and other facts and circumstances related to Ms. Rowe's claims in this lawsuit.	1 hour
Ostrofe, Nora	Live	Plaintiff's economic damages, consistent with Ms. Ostrofe's FRCP Rule 26 expert disclosures.	.75 hours
Rowe, Ulku	Live	As the Plaintiff in this matter, Ms. Rowe will testify to her work at Google and the facts and circumstances supporting her claims in this lawsuit.	6 hours
Shaukat, Tariq	Live	Ms. Rowe and Mr. Breslow's consideration for the FSVL role; his interactions with Ms. Rowe; and other facts and circumstances related to Ms. Rowe's claims in this lawsuit.	3 hours
Stevens, Brian	Live	Ms. Rowe's role in OCTO and consideration for the FSVL role.	.5 hours
Vardaman, Stuart	Deposition	Ms. Rowe's consideration for the FSVL role; Ms. Rowe's consideration for the VP-FS Sales role; and other facts and	1.5 hours

		circumstances related to Ms. Rowe's claims in this lawsuit.	
Wilson, Benjamin	Live	His responsibilities, terms and conditions, performance, and compensation in the OCTO Director role; his work with Ms. Rowe; his and Ms. Rowe's move to Tariq Shaukat's organization; and other facts and circumstances related to Ms. Rowe's claims in this lawsuit.	.5 hours
Corporate witness to be determined	Live	Authenticate and lay foundation for Exhibits P46, P47, P48, P49, P64, P86, P105, P108, P110, P112	.5 hours

Chart 2: May Call

Witness Name	Manner of Appearance	Description of Testimony	Estimated Length of Testimony
Greene, Diane	Live	Testimony regarding a sworn declaration she signed in this matter.	.25 hours
Murray, Megan	Live	Testimony regarding correspondence on which she was a sender or recipient.	.25 hours
Orr, Lisa	Live	Testimony regarding correspondence on which she was a sender or recipient.	.25 hours
Tessier, Ashley	Live	Testimony regarding correspondence on which she was a sender or recipient.	.25 hours

- Defendant objects to the identification of Thomas Kurian as a witness; his testimony should be excluded under Fed. R. Evid. 401 as irrelevant, and under Fed. R. Evid. 403 as likely to confuse the issues, mislead the jury, and result in undue delay and wasted time. There is no evidence that he was involved in any decisions in the case. Should one be necessary, Defendant plans to file a motion *in limine* seeking to exclude Mr. Kurian from testifying at trial.
- Plaintiff argues that she requested that Defendant stipulate to the authenticity and foundation of the document referenced with respect to Mr. Kurian, which would obviate the need to call him, but since they would not, it necessitates him being called.

- Defendant objects to the identification of Diane Greene as a witness; her testimony regarding a signed declaration in this matter should be excluded under Fed. R. Evid. 401 as irrelevant, and under Fed. R. Evid. 403 as likely to confuse the issues, mislead the jury, and result in undue delay and wasted time. As Ms. Greene’s declaration makes clear, she does not recall being involved in the challenged decisions, nor does she have any unique or additive information beyond what other witnesses can provide.
- Plaintiff argues that Diane Greene’s declaration is admissible under Fed. R. Evid. 804 and 807. Should Defendant maintain its hearsay objection with respect to the sworn declaration and the Court sustains the objection, Plaintiff seeks to call Ms. Greene as a rebuttal witness if necessary.

2. Defendant’s Witnesses

a. Defendant’s Trial Witness List

The witnesses below are those Defendant genuinely intends to call in its case (first chart) and witnesses that Defendant “may call if the need arises” (second chart). Fed. R. Civ. P. 26(a)(3). This list is not a commitment that Defendant will call any particular witness at trial, or a representation that any of the witnesses listed are available or will appear for trial. Defendant has indicated that the witness will testify live below unless it has reason to believe as of the date of this filing that the witness will be unavailable for live testimony starting August 14, 2023.

If any witness is or becomes unavailable, Defendant reserves the right to use his or her deposition testimony, to call a substitute witness, or make an application to the Court for that witness to testify remotely upon a showing of good cause. (ECF 280 (Order dated December 6, 2022).) If any of the trial witnesses identified by Plaintiff fail to appear for trial, Defendant reserves the right to use their deposition testimony. Defendant also reserves the right to call at

trial in its case: (1) any witnesses identified by Plaintiff on her witness list, live or by deposition; (2) additional witnesses to provide foundation testimony should Plaintiff contest the authenticity or admissibility of any materials to be proffered at trial; and (3) additional witnesses not identified herein based upon any developments that may occur leading up to and/or during the course of the trial. Defendant also may call witnesses, including persons not listed herein, for impeachment. Defendant further reserves the right to amend this list to respond to issues raised by the Court's pretrial rulings.

Chart 1: Will Call

Witness Name	Anticipated Manner of Appearance	Description of Testimony	Estimated Length of Witness's Testimony
Grannis, William	Live	His background and experience; hiring, leveling, job responsibilities and performance, and compensation of Technical Directors in OCTO, including Rowe; development of industry verticals within Google Cloud; Rowe's transfer out of OCTO and return to OCTO; Nicholas Harteau's transfer out of OCTO in 2018; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	3.5 hours
Stevens, Brian	Live	His background and role at Google; creation of the OCTO function; hiring, leveling, and job responsibilities of Technical Directors in OCTO, including Rowe; development of industry verticals within Google Cloud; Rowe's transfer out of OCTO; and other facts and circumstances pertaining to	1.5 hours

		Rowe's claims and Google's defenses.	
Vardaman, Stuart	Deposition	His role as a recruiter; his interactions with Rowe, hiring managers, interviewees, and other candidates for positions in which Rowe expressed interest; Google's recruiting practices; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1.5 hours
Shaukat, Tariq	Live	His background and role at Google; development of industry verticals within Google Cloud; his decisions regarding and interactions with Rowe; his decisions and interactions regarding other Google employees and candidates for positions on his team in Google Cloud; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	3 hours
Lawrence, Melissa	Live	Her background and role at Google; her interactions with Rowe and others concerning Rowe; Google's Human Resources processes; Human Resources personnel and support provided to OCTO; hiring, leveling, and job responsibilities of Technical Directors in OCTO, including Rowe; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1.5 hours
Humez, Christopher	Live	His background and role at Google; Google's compensation processes and policies; compensation determinations concerning Rowe and her alleged comparators; discussions with Rowe and	1.5 hours

		others concerning Rowe's hiring process; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	
Lucas, Kevin	Deposition if called to testify August 14-18, 2023; Live if called to testify August 21-25, 2023	His background and role at Google; his interactions with Rowe and others concerning Rowe; Google's Human Resources processes; Human Resources personnel and support provided to Tariq Shaukat's organization; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1 hour
Burdis, Jennifer	Remote testimony (ECF 301)	Her background and role at Google; her interactions with Rowe and others concerning Rowe; hiring and leveling of Technical Directors in OCTO, including Rowe; Google's recruiting practices; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1.5 hours
Beaupain, April	Live	Her background and role at Google; her interactions with Rowe and others concerning Rowe's internal complaints; Google's Employee Relations processes; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	0.75 hours
Rensin, David	Live	His background and role at Google; hiring and leveling of Technical Directors in OCTO; Technical Solutions Consultant job ladder; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1 hour
Eryurek, Evren	Deposition	His background; his role at Google; his work and performance; and other facts	1 hour

		and circumstances pertaining to Rowe's claims and Google's defenses.	
Wilson, Benjamin	Live	His background; his role at Google; his work and performance; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1 hour
Jonathan Donaldson	Live	His background; his role at Google; his work and performance in OCTO; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1 hour
Paul Strong	Live	His background; his role at Google; his work and performance in OCTO; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1 hour
Nicholas Harteau	Live	His background; his role at Google; his work and performance; transfer outside of OCTO in 2018; his submission of a declaration in support of Rowe's motion for summary judgment; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1 hour
Kliphouse, Kirsten	Live or Remote testimony if the circumstances require (ECF 301)	Her background and role at Google; her interactions with Rowe and others concerning Rowe; her involvement in and decisions regarding the selection of the Vice President of Financial Services Sales from among multiple candidates; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1 hour
Krista Callaghan	Live or Remote testimony if the circumstances	Her background and experience; correspondence and discussions with Rowe during the hiring process; correspondence and	0.75 hours

	require (ECF 301)	discussions with others concerning Rowe and recruiting of Technical Directors in OCTO; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	
Eric Schenk	Live	His background; his role at Google; his work and performance in OCTO; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1 hour
Scott Penberthy	Live	His background; his role at Google; his work and performance in OCTO; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1 hour

Chart 2: May Call

Witness Name	Anticipated Manner of Appearance	Description of Testimony	Estimated Length of Witness's Testimony
Jess Swale (Murphy-True)	Live	Her background and experience at Google; interactions and correspondence with Rowe and others concerning Rowe; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	0.75 hours
Patricia Florissi	Live	Her background and role at Google; Rowe's performance, the contributions Rowe makes, the influence Rowe has, and the standards by which her performance is assessed as an L8; and other facts and circumstances pertaining to Rowe's claims and Google's defenses.	1 hour

- Plaintiff objects to Google's identification of Patricia Florissi as a witness; her testimony should be excluded under Rule Fed. R. Evid. 401 as irrelevant, and under Fed. R. Evid. 403 as likely to confuse the issues, mislead the jury, and result in undue delay and wasted time. This witness was not identified at any point during the discovery period and was only identified to Plaintiff within the last month. Thus, no pre-trial discovery has been taken. No other witnesses have testified that she was involved in the decisions that give rise to the claims or defenses in this case. Plaintiff therefore seeks to exclude Ms. Florissi from testifying at trial.
- Patricia Florissi is Plaintiff's direct supervisor, and has managed Plaintiff for over a year. Not only does Plaintiff have personal and direct knowledge of that fact, Plaintiff has no objection to the inclusion of Defendant's exhibit D98 (produced earlier in the case) making that supervisory relationship clear. (*See* Appendix B.) Moreover, Plaintiff seeks damages for alleged pay discrimination from 2017 to the present. (*See* Section D.1.a.-b. above and Section M. below.) She alleges that (a) Google improperly hired her at Level 8 (L8) in the Office of the CTO, and (b) for the past 6+ years she in fact has performed work substantially equal to employees at level L9 (L9). Among Google's defenses are that (a) there are different expectations for L8 and L9 employees, and (b) Plaintiff has not been (and is not) performing work at an L9 level. William Grannis was Plaintiff's manager in OCTO from hire until Spring 2022, and both parties expect him to testify regarding her work in OCTO and the standards against which that work has been evaluated. (*See* Section G.1.a.-b.) Ms. Florissi became Plaintiff's manager in Spring 2022, and she is expected to testify on those same topics for the time she has managed Plaintiff. Plaintiff's damages expert recently updated her estimates of economic loss to

account for recent compensation decisions made by Google. Ms. Florissi's testimony is relevant for the same reasons as Mr. Grannis's. It will not confuse the issues, mislead the jury or result in any undue delay or wasted time.

H. DEPOSITION DESIGNATIONS

1. The Parties' Designations for Their Respective Cases in Chief

a. *Plaintiff's Designations:*

Jennifer Burdis (Dec. 9, 2020)

Defendant has indicated that Ms. Burdis will be appearing remotely. If she does not, Plaintiff will make deposition designations for her testimony.

Tariq Shaukat (Oct. 15, 2022)

Defendant has indicated that Mr. Shaukat will be appearing live. If he does not, Plaintiff will make deposition designations for his testimony.

Brian Stevens (Nov. 13, 2020)

Defendant has indicated that Mr. Stevens will be appearing live. If he does not, Plaintiff will make deposition designations for his testimony.

Stuart Vardaman (Nov. 17, 2020)

5:11-5:19	78:21-79:22
17:4-17:25	85:10-87:9
20:23-22:3	88:7-88:25
24:14-27:18	92:18-93:4
32:17-34:12	94:4-95:4
34:23-38:17	95:18-97:10
40:6-45:12	99:12-100:5
46:3-48:8	100:17-102:2
49:22-54:21	106:4-115:23
55:6-59:12	116:6-118:21
59:22-62:22	118:23-119:23
65:8-74:15	124:24-130:18
75:4-75:6	130:21-131:22
76:15-78:12	132:9-133:18

134:8-135:22
135:24-136:10
137:10-141:9

142:5-142:20
142:25-145:23
150:16-152:3

Benjamin Wilson (Dec. 2, 2020)

Defendant has indicated that Mr. Wilson will be appearing live. If he does not, Plaintiff will make deposition designations for his testimony.

Evren Eryurek (Dec. 3, 2020)

5:17-5:20
17:9-17:18
21:2-21:15
22:3-22:20
23:21-24:14
24:24-25:21
27:14-28:19
30:4-31:5
32:3-32:5
32:18-35:15
38:6-38:23
38:24-40:7
40:8-42:22
44:6-44:9
45:25-46:17

56:2-56:8
57:2-62:3
63:6-67:14
67:15-69:12
70:9-71:13
71:25-72:9
75:7-77:3
88:15-92:5
93:9-95:12
96:23-97:20
98:3-99:14
100:3-101:8
114:16-114:23
121:8-121:16
127:6-128:4

Kevin Lucas (Oct. 27, 2020)

4:2-4:6
19:3-19:20
55:13-58:11
80:22-81:2
81:13-81:15
81:23-86:5
89:7-91:19
158:5-159:2
168:13-171:16
182:19-183:24
188:19-189:23

192:20-194:6
194:17-196:23
195:5-204:8
203:14-203:18
204:9-205:19
212:9-214:8
214:24-216:5
223:10-225:15
228:16-228:20
229:7-234:23

b. Defendant's Designations:

Evren Eryurek (Dec. 3, 2020)

12:17 - 17:8	71:14 - 24
21:2 - 22:24	80:12 - 83:4
23:21 - 25:21	86:18 - 21
26:10 - 17	91:5 - 22
27:14 - 28:19	108:10 - 110:4
36:22 - 37:17	112:6 - 21
46:18 - 47:23	113:10 - 114:2
50:3 - 51:11	124:8 - 13
53:6 - 10	125:14 - 127:5
61:21 - 62:3	

Kevin Lucas (Oct. 27, 2020)

22:20 - 25:15	165:13 – 168:12
26:6 - 26:17	193:5 - 196:23
31:4 - 15	220:2 - 222:10
115:6 – 18	223:10 - 24

2. The Parties' Counter-Designations

a. Plaintiff's Counter-Designations:

Stuart Vardaman (Nov. 17, 2020)

17:2-17:3
82:8-83:4
121:3-121:14
122:7-122:11

Evren Eryurek (Dec. 3, 2020)

53:19-54:10
55:3-55:5

Kevin Lucas (Oct. 27, 2020)

28:23-30:21	222:11-222:13
198:5-205:19	225:16-225:24

b. Defendant's Counter-Designations:

Defendant reserves the right to make an application for witnesses to testify remotely should they become unavailable for live testimony at trial. (ECF 280 (Order dated December 6, 2022).) Should each of the below witnesses be available to testify live or remotely at trial, introduction of their deposition testimony is unnecessary. If the witnesses are or become unavailable for trial, Defendant counter-designates the following portions of their deposition testimony.

Stuart Vardaman (Nov. 17, 2020)

12:2-12:25	90:7-91:10
13:9-14:19	97:6-97:17
14:20-16:25	98:8-98:22
18:13-20:22	102:3-103:15
24:5-24:15	119:24-121:2
48:9-48:12	121:15-122:3
62:23-63:21	122:12-122:25
79:23-80:12	141:10-142:4
80:20-82:7	146:15-148:9
89:2-89:10	149:18-150:12

Evren Eryurek (Dec. 3, 2020)

42:19 - 43:17	67:15-69:12
44:10 - 23	73:16 - 74:14
45:17 - 24	74:15 - 18
48:3 - 49:21	77:4 - 78:3
52:14 - 53:5	

Kevin Lucas (Oct. 27, 2020)

20:13-22:8	86:6 - 87:12
61:2-23	184:14 - 186:3

67:22 - 68:23
80:22 - 81:17

203:19-204:8

Defendant reserves all rights to designate additional testimony after the Court rules on outstanding pre-trial motions.

3. The Parties' Objections to Designated Testimony

a. Plaintiff's Objections:

Stuart Vardaman (Nov. 17, 2020)

<u>Designated Testimony</u>	<u>Objection</u>
79:23-80:12	Fed. R. Evid. 802 (hearsay) – the witness is testifying about out of court statements made by others, which are being offered for the truth of the matter asserted.
80:20-82:7	Fed. R. Evid. 802 (hearsay) – the witness is testifying about out of court statements made by him and others, which are being offered for the truth of the matter asserted. This testimony also relates to Plaintiff's 2 nd Motion in Limine (ECF No. 241)
90:7-91:10	Fed. R. Evid. 802 (hearsay) – the witness is testifying about out of court statements he made, which are being offered for the truth of the matter asserted. This testimony also relates to Plaintiff's 2 nd Motion in Limine (ECF No. 241)
97:6-97:17 98:8-98:22	Fed. R. Evid. 802 (hearsay) – the witness is testifying about out of court statements made by him and others, which are being offered for the truth of the matter asserted. This testimony also relates to Plaintiff's 2 nd Motion in Limine (ECF No. 241)
146:15-148:9	Fed. R. Evid. 802 (hearsay) – the witness is testifying about out of court statements made by him and others, which are being offered for the truth of the matter asserted. This testimony also relates to Plaintiff's 2 nd Motion in Limine (ECF No. 241)
149:18-150:12	Fed. R. Evid. 401 (relevance) – this witness is testifying regarding a position that is not in dispute in this lawsuit.

Kevin Lucas (Oct. 27, 2020)

Plaintiff objects to all of Defendant's designations and counter-designations, as he is not unavailable within the definition of Fed. R. Evid 32(a)(4), and because is a current employee and Google's designated corporate witness, he is in Google's control and Google is obligated to produce him at trial.

Defendant's position is that Mr. Lucas is available to testify live on Monday August 21, 2023. Since it is clear the trial will continue until this date, Google sees no reason that his testimony be presented via deposition at an earlier point in the trial.

b. Defendant's Objections:**Stuart Vardaman (Nov. 17, 2020)**

<u>Designated Testimony</u>	<u>Objection</u>
5:11-5:19	The designated text is not testimony.
17:2-17:3	Fed. R. Evid. 401 (relevance) – the witness's employer at the time of his deposition is irrelevant to the issues to be tried. Fed. R. Evid. 403 (prejudice) – the witness was employed by Google at the time he was deposed in 2020, but is no longer employed by Google and will not be on the date of trial. The designated testimony is misleading to the jury unless they are told at the time of trial that the witness is a former employee.
46:3-46:3	Fed. R. Evid. 106 (completeness) – designated testimony does not include the question posed or the preceding questions, which contextualize the answer.
46:25-47:11	Fed. R. Evid. 801, 802 (hearsay) – the witness is being asked about notes taken by someone other than himself, which are being offered for the truth of their contents.
59:22-61:4	Fed. R. Evid. 801, 802 (hearsay) – the witness (or counsel) is reading from an email that contains an out-of-court statement offered for the truth of what Mr. Stevens allegedly said about Plaintiff's

	candidacy for the Financial Services Vertical Lead position.
65:8-66:8	Fed. R. Evid. 801, 802 (hearsay) – the witness is reading from an email that contains an out-of-court statement offered for the truth of the matter asserted
106:4-107:18 111:10-20	Fed. R. Evid. 801, 802 (hearsay) – the witness is reading from an email that contains an out-of-court statement offered for the truth of the matter asserted
125:3-128:6	Fed. R. Evid. 801, 802 (hearsay) – the witness is reading from an email that contains an out-of-court statement offered for the truth of the matter asserted
127:23-129:23	Fed. R. Evid. 401 (relevance) – the witness was not involved in any compensation decisions as it relates to anyone at Google; his opinion as to the appropriate amount of an equity refresh grant is irrelevant to any issue in this case Fed. R. Evid. 403 (prejudice) – given the lack of relevance, introduction of this testimony would only serve to confuse or mislead the jury, or waste time

Evren Eryurek (Nov. 3, 2020)

<u>Designated Testimony</u>	<u>Objection</u>
5:17-5:20	The designated text is not testimony.
53:19-54:10	Fed. R. Evid. 401 (relevance) – the witness was not involved in hiring Plaintiff, setting her compensation, or interviewing or selecting her for the Financial Services Vertical Lead role (or any other role). Whether he considered Plaintiff to be qualified for the role has no tendency to make any fact of consequence more or less probable. Fed. R. Evid. 403 (prejudice) – given the lack of relevance, the opinion of a witness who has no involvement in any of the challenged decisions to be tried serves only to mislead the jury, confuse the issues, and waste time.
57:12-58:5	Fed. R. Evid. 801, 802 (hearsay) – testimony regarding what recruiters told the witness about how Google determined his compensation in connection with his offer of employment, offered for the truth of those representations.

60:16-61:20	<p>Fed. R. Evid. 401 (relevance) – the comparative value of the sign-on equity award granted to the witness against the value of equity he forfeited by leaving his prior employer, and whether that grant was subject to vesting, is irrelevant to whether Plaintiff was treated in a discriminatory manner.</p> <p>Fed. R. Evid. 403 (prejudice) – given the irrelevance of this information to the issues to be tried, its introduction into evidence would serve only to confused or mislead the jury, or waste time.</p>
63:6-67:14	<p>Fed. R. Evid. 602 (lack of personal knowledge) – Plaintiff has not asserted, nor can she establish through testimony, that the witness participated in any decision to hire Plaintiff, determine her compensation or level, supervise her, or direct and evaluate her work. Accordingly, his opinion of Plaintiff’s background, qualifications, and performance is not based on personal knowledge and he lacks the necessary foundation to testify about these topics.</p> <p>Fed. R. Evid. 401 (relevance) – because the witness was not involved or consulted in any of the challenged decisions on trial, his opinion on these matters are irrelevant.</p> <p>Fed. R. Evid. 403 (prejudice) – for these same reasons, introduction of this testimony into evidence will serve only to confuse or mislead the jury, or waste time.</p>
65:11-66:4	<p>Fed. R. Evid. 801, 802 (hearsay) – the testimony designated is the witness recalling out-of-court statements between himself and Plaintiff, all offered for the truth of the matters asserted.</p>
67:12-14	<p>Fed. R. Evid. 801, 802 (hearsay) – what the witness heard out-of-court (or, rather, did not hear) is being offered for its truth.</p>
75:7-77:3	<p>Fed. R. Evid. 801, 802 (hearsay) – the witness’s testimony is limited to reading content from a document, which contains out-of-court statements offered for their truth.</p> <p>Fed. R. Evid. 602 (lack of personal knowledge) – the witness was unable to identify the document available via link in the email placed in front of him at deposition, so his answers to questions about the linked document are speculative.</p>

89:3-91:3	<p>Fed. R. Evid. 801, 802 (hearsay) – the testimony consists solely of the witness’s recollection of an out-of-court conversation with Plaintiff offered for its truth.</p> <p>Fed. R. Evid. 401 (relevance) – the witness was not involved or consulted in the hiring process for the Financial Services Vertical Lead position at issue, so his opinions about the process and what Plaintiff told him about that topic are irrelevant.</p> <p>Fed. R. Evid. 403 (prejudice) – for the same reasons, the testimony would serve only to confuse or mislead the jury, or waste time, if admitted.</p>
91:23-92:5	<p>Fed. R. Evid. 801, 802 (hearsay) – the testimony consists solely of the witness’s recollection of an out-of-court conversation with Plaintiff offered for its truth.</p> <p>Fed. R. Evid. 401 (relevance) – what Plaintiff told the witness about her alleged exclusion from meetings is irrelevant to the issue of whether Plaintiff was actually excluded from meetings or otherwise treated unfairly on the basis of sex.</p> <p>Fed. R. Evid. 403 (prejudice) – for the same reasons, the testimony would serve only to confuse or mislead the jury, or waste time, if admitted.</p>
93:9-95:12	<p>The testimony concerning Morgan Kuhn was already ruled inadmissible by Judge Schofield. <i>See</i> ECF 292 ¶ 2 (“Defendant’s motion to exclude evidence of other employees’ complaints of alleged unfair treatment by Defendant is granted in part and denied in part. Evidence concerning the following is excluded under Rule 403 as the evidence has limited, if any, probative value and is likely to confuse the jury in a way that will prejudice Defendant: (1) the <i>Haggan</i> and <i>Ellis</i> class actions, which were settled and did not include Plaintiff within the class, (2) the protests principally concerning sexual harassment, which is not an issue in this case, and the resulting 2018 walkout, and (3) a gender complaint against Stuart Breslow that did not involve Plaintiff.”) (emphasis supplied).</p> <p>Fed. R. Evid. 401 (relevance) – an alleged complaint about an individual who is not alleged to have participated or been consulting in any of the challenged decisions on trial is irrelevant.</p>

	<p>Fed. R. Evid. 403 (prejudice) – for the same reason, admitting this testimony into evidence would serve only to confuse and mislead the jury, or waste time.</p> <p>Fed. R. Evid. 801, 802 (hearsay) – the testimony consists of information the witness heard second-hand, offered for its truth.</p>
127:6-128:4	<p>Fed. R. Evid. 602 (lack of personal knowledge) – the witness testified he knows nothing about years of experience and how it may have related to leveling, so his testimony about the impact that might have on the work performed lacks foundation.</p> <p>Fed. R. Evid. 401 (relevance) – for the same reason, the witness’s testimony as to whether “it” has any impact on the nature of the work he and Plaintiff performed is irrelevant.</p> <p>Fed. R. Evid. 403 (prejudice) – for the same reason, the introduction of this testimony into evidence would serve only to confuse and mislead the jury, and waste time.</p>

Kevin Lucas (Oct. 27, 2020)

<u>Designated Testimony</u>	<u>Objection</u>
4:2-6	The designated text is not testimony.
28:23-30:21	<p>Fed. R. Evid. 401 (relevance) – the witness is not alleged to have been a decisionmaker with respect to any decision to be tried, nor is he an attorney upon whose advice Google could rely to assert an affirmative defense. Therefore, his training on aspects of various anti-discrimination laws and knowledge of their requirements is irrelevant to the claims and defenses asserted.</p> <p>Fed. R. Civ. P. 403 (prejudice) – for the same reasons, the introduction of this testimony into evidence would serve only to confuse and mislead the jury, and waste time.</p>
169:4-169:19	<p>Fed. R. Evid. 401 (relevance) – hypothetical complaints of alleged under-leveling by individuals other than Plaintiff are not on trial, nor are they relevant to the claims and defenses asserted.</p> <p>Fed. R. Evid. 403 (prejudice) – for the same reason, the introduction of this testimony into</p>

	evidence would serve only to confuse and mislead the jury, and waste time.
170:5-171:16	Fed. R. Evid. 401 (relevance) – testimony concerning hypothetical studies or analyses on the fairness of leveling decisions across the entire company (or lack thereof) are irrelevant to the concrete leveling decisions challenged at trial, which Plaintiff alleges were made with discriminatory intent. Fed. R. Evid. 403 (prejudice) – for the same reason, the introduction of this testimony into evidence would serve only to confuse and mislead the jury, and waste time.
182:19-183:12	Fed. R. Evid. 401 (relevance) – testimony about “hiring Level 10s at Google” is irrelevant to Plaintiff’s claim that she was denied a promotion to what she claims was a Level 10 position. Fed. R. Evid. 403 (prejudice) – for the same reason, the introduction of this testimony into evidence would serve only to confuse and mislead the jury, and waste time.
188:19-189:23	Fed. R. Evid. 401 (relevance) – testimony about subjects on which the witness disclaims knowledge (Plaintiff’s background and qualifications) and about events in which he “wasn’t really involved” (Plaintiff’s transfer to a new organization in 2018) are not relevant to the challenged decisions on trial. Fed. R. Evid. 403 (prejudice) – for the same reason, the introduction of this testimony into evidence would serve only to confuse and mislead the jury, and waste time.
204:22-205:6	Fed. R. Evid. 801, 802 (hearsay) – this testimony is recitation of an out-of-court statement in an email between the witness and another Google employee, offered for its truth.
215:5-216:5	Fed. R. Evid. 401 (relevance) – the testimony consists of counsel reading from a document placed before the witness, the witness saying he does not know what the written, out-of-court statement refers to, and his opinion regarding a hypothetical woman communicating that she believes she’s the best candidate for the rolee3. None of that has any tendency to make any fact of consequence more or less probable, nor does it bear on the issues to be tried.

	<p>Fed. R. Evid. 403 (prejudice) – for the reasons stated above, introduction of this irrelevant testimony would serve only to mislead or confuse the jury, and waste time.</p> <p>Fed. R. Evid. 801, 802 (hearsay) – the out-of-court statements from the document, read into the deposition record by counsel, are being offered for their truth.</p>
224:10-225:4	<p>The testimony concerning alleged complaints raised by an administrative assistant was already ruled inadmissible by Judge Schofield. <i>See</i> ECF 292 at 1-2 (“Defendant’s motion to exclude evidence of other employees’ complaints of alleged unfair treatment by Defendant is granted in part and denied in part. Evidence concerning the following is excluded under Rule 403 as the evidence has limited, if any, probative value and is likely to confuse the jury in a way that will prejudice Defendant: (1) the <i>Haggan</i> and <i>Ellis</i> class actions, which were settled and did not include Plaintiff within the class, (2) the protests principally concerning sexual harassment, which is not an issue in this case, and the resulting 2018 walkout, and (3) a gender complaint against Stuart Breslow that did not involve Plaintiff.”) (emphasis supplied).</p> <p>Fed. R. Evid. 401 (relevance) – an alleged complaint about an individual who is not alleged to have participated or been consulting in any of the challenged decisions on trial is irrelevant.</p> <p>Fed. R. Evid. 403 (prejudice) – for the same reason, admitting this testimony into evidence would serve only to confuse and mislead the jury, or waste time.</p>
225:16-24	<p>Fed. R. Evid. 401 (relevance) – if the witness is testifying via deposition, there will be no opportunity for the witness to testify about other conversations with or about the Plaintiff that he did not otherwise recall at his deposition.</p> <p>Accordingly, statements about the completeness of his testimony are irrelevant.</p> <p>Fed. R. Evid. 403 (prejudice) – the introduction of this irrelevant testimony into the record would only serve to waste time.</p>
228:16-20	<p>Fed. R. Evid. 401 (relevance) – whether the witness recalls being interviewed by Employee</p>

	<p>Relations with respect to Plaintiff's lawsuit is neither disputed nor relevant to any of the claims to be tried. Furthermore, the "answer" to the question posed is counsel's clarification of the question, not sworn testimony from the witness. Fed. R. Evid. 403 (prejudice) – for the same reasons, admitting this testimony into evidence would serve only to confuse and mislead the jury, or waste time.</p>
229:7-230:12	<p>Fed. R. Evid. 401 (relevance) – whether the witness recalls being interviewed by Employee Relations with respect to Plaintiff's lawsuit is neither disputed nor relevant to any of the claims to be tried. To the extent it could be relevant (and it is not), the witness could not corroborate that he made any of the alleged out-of-court statements attributed to him.</p> <p>Fed. R. Evid. 403 (prejudice) – for the same reasons, admitting this testimony into evidence would serve only to confuse and mislead the jury, or waste time.</p>
231:9-233:5	<p>Fed. R. Evid. 401 (relevance) – the witness was not a decisionmaker for any of the challenged decisions to be tried; whether he recalls being interviewed by Employee Relations with respect to Plaintiff's lawsuit, how he responded to investigator's questions, and his opinions as to whether he agreed or disagreed with the actual decisionmaker's conduct is irrelevant.</p> <p>Fed. R. Evid. 403 (prejudice) – for the same reason, admitting this testimony into evidence would serve only to confuse and mislead the jury, or waste time.</p>
233:22-234:15	<p>Fed. R. Evid. 401 (relevance) – the witness was not a decisionmaker for any of the challenged decisions to be tried; whether he recalls being interviewed by Employee Relations with respect to Plaintiff's lawsuit, how he responded to investigator's questions, and his opinions as to whether he agreed or disagreed with the actual decisionmaker's conduct is irrelevant.</p> <p>Fed. R. Evid. 403 (prejudice) – for the same reason, admitting this testimony into evidence would serve only to confuse and mislead the jury, or waste time.</p>

I. PROPOSED EXHIBITS AND DEMONSTRATIVE AIDS

1. Parties' Stipulation as to Demonstrative Aids

The Parties stipulate to exchanging demonstrative aids by July 21, 2023, three weeks in advance of the trial conference scheduled for August 14, 2023. (*See* ECF 303.) Should either party have any objections to the other's demonstrative aids, the Parties will raise those objections within one week, on or before July 28, 2023, for a ruling at the pre-trial conference.

2. Plaintiff's Proposed Exhibits

Plaintiff's Proposed Exhibits are attached as Appendix A to this Joint Pre-trial Order. Plaintiff believes that the admission of documents to which there are no objections, without the necessity of introducing documents through a competent witness with personal knowledge pursuant to Fed. R. Evid. 602, will be more efficient than what Defendant proposes.

3. Defendant's Proposed Exhibits

Defendant's Proposed Exhibits are attached as Appendix B to this Joint Pre-trial Order. If the Court will rule on the admissibility of exhibits before trial, Defendant seeks clarification as to whether evidence deemed admissible will be affirmatively admitted into evidence at the start of the trial. It is Defendant's understanding and preference that each party introduce documents into evidence through a competent witness with personal knowledge pursuant to Fed. R. Evid. 602, unless unique circumstances dictate or the parties stipulate otherwise.

Consistent with the Court's Order dated January 13, 2023 (ECF 292), Defendant has removed objections to its trial exhibits and trial testimony to the extent that the Court

ruled on the admissibility of the specific exhibit/testimony, or the subject matter covered by that exhibit/testimony. In doing so, Defendant is not waiving or abandoning those objections, all of which have previously been asserted in the initial Joint Pre-trial Order submitted on December 12, 2022 (ECF 285) and in Defendant's motions *in limine* (ECF 234, 236,.)

4. Exhibits for Purposes of Trial

The parties are submitting their respective exhibits to the Court concurrent with this filing, and in the format required by the Court's Individual Rules and Practices in Civil Cases, Rule 7.D. The exhibits will be numbered to facilitate their use at trial. The parties have indicated their request for an advance ruling on contested exhibits with a notation in Appendices A and B. To the extent that any exhibits for which either party has asserted a hearsay objection are admitted into evidence for a purpose other than to prove the truth of the out-of-court statement, the parties respectfully request the Court provide a cautionary instruction to the jury regarding the purpose for which the exhibit has been admitted.

J. WRITTEN DISCOVERY RESPONSES

1. Defendant Google LLC's Objections and Responses to Plaintiff's First set of Requests for Admission, January 25, 2021
2. Plaintiff Ulku Rowe's Responses and Objections to Google's First Set of Interrogatories, dated February 20, 2020

K. LIST OF MOTIONS *IN LIMINE*

Judge Schofield's order on the parties' motions *in limine* is attached hereto as Appendix C. (See ECF 295 ("Unless and until the Court orders otherwise, all prior orders, dates, and

deadlines shall remain in effect notwithstanding the reassignment.”).) To the extent either party believes the Order on the motions *in limine* render any exhibit or designated deposition testimony inadmissible, those objections are reflected in Appendices A and B and above in section H.3, respectively.

1. Plaintiff’s Motions *in Limine*

- a. Motion One: Plaintiff’s Motion in Limine to Exclude Evidence Concerning Defendant’s Consideration of Other Rejected Candidates for Financial Services Vertical Lead Role (ECF No. 238)

The following documents on Defendant’s Proposed Exhibit List relate to this motion:

EXHIBIT	BEG. BATES	ENG BATES
D55	GOOG-ROWE-00059007	GOOG-ROWE-00059012
D65	GOOG-ROWE-00056487	GOOG-ROWE-00056488
D45	GOOG-ROWE-00017721	GOOG-ROWE-00017721
D80	GOOG-ROWE-00017873.R	GOOG-ROWE-00017875.R
D71	GOOG-ROWE-00062337	GOOG-ROWE-00062344
D72	GOOG-ROWE-00063421	GOOG-ROWE-00063424
D73	GOOG-ROWE-00061871	GOOG-ROWE-00061872
D74	GOOG-ROWE-00082370	GOOG-ROWE-00082372

Court Order on Plaintiff’s Motion *in Limine*, Motion One: “Plaintiff’s motion to exclude evidence of other candidates for the FSVL role for which she was not hired is **DENIED**, as this evidence is part of the factual background relevant under Rule 401 to show whether Defendant acted with discriminatory or retaliatory intent.” (ECF 292 at ¶ 3.)

- b. Motion Two: Plaintiff’s Motion in Limine to Exclude Hearsay Evidence Concerning Plaintiff’s Candidacy for the Financial Services Vertical Lead Role (ECF No. 240)

The following documents on Defendant’s Proposed Exhibit List relate to this motion:

EXHIBIT	BEG. BATES	END BATES
D62	GOOG-ROWE-00017533	GOOG-ROWE-00017538

Court Order on Plaintiff's Motion *in Limine*, Motion Two: "Plaintiff's motion to exclude as hearsay evidence of oral feedback from interviewers is DENIED, as the evidence is offered for its effect on Defendant's hiring manager and not for the truth. *See* Rule 802. Plaintiff may submit a joint proposed limiting instruction to this effect at the time the evidence is presented." (ECF 292 at ¶ 4.)

- c. Motion Three: Plaintiff's Motion in Limine to Exclude Evidence Concerning Yolanda Piazza or Defendant's Consideration or Selection of Candidates for the Vice President – Financial Services, Sales Role (ECF No. 242)

The following documents on Defendant's Proposed Exhibit List relate to this motion:

EXHIBIT	BEG. BATES	END BATES
D70	GOOG-ROWE-00055394.R	GOOG-ROWE-00055418.R
D79	GOOG-ROWE-00078164	GOOG-ROWE-00078169
D76	GOOG-ROWE-00082359	GOOG-ROWE-00082366
D77	GOOG-ROWE-00082356	GOOG-ROWE-00082358
D78	GOOG-ROWE-00082351	GOOG-ROWE-00082355

Court Order on Plaintiff's Motion *in Limine*, Motion Three: "Plaintiff's motion to exclude evidence of other candidates for the VP-FS role for which she was not interviewed is DENIED, as the evidence is relevant under Rule 401 to whether Defendant acted with retaliatory intent, and Plaintiff as not been prejudiced by the timeliness (or not) of the production of related documents." (ECF 292 at ¶ 5.)

- d. Motion Four: Plaintiff's Motion in Limine to Exclude Evidence Concerning the Level 8 Technical Directors (ECF No. 244)

The following documents on Defendant's Proposed Exhibit List relate to this motion:

EXHIBIT	BEG. BATES	END BATES
D43	GOOG-ROWE-00063979	GOOG-ROWE-00064012
D44	GOOG-ROWE-00063516	GOOG-ROWE-00063589
D68	GOOG-ROWE-00065032	GOOG-ROWE-00065090
D69	GOOG-ROWE-00064910	GOOG-ROWE-00064968

Court Order on Plaintiff's Motion *in Limine*, Motion Four: "Plaintiff's motion to exclude evidence of leveling determinations of made L8 Directors is DENIED because it is relevant under Rule 401 to show whether Plaintiff, who was hired as a Technical Director as an L8, was treated less well than similarly situated men, and whether Plaintiff was more like others hired at L8 than those leveled at L9. For the same reason, the evidence will not confuse the jury with extraneous or irrelevant information." (ECF 292 at ¶ 6.)

- e. Motion Five: Plaintiff's Notice of Motion to Be Permitted to Ask Leading Questions During the Direct Examination of Defendant's Current and Former Employees (ECF No. 246)

Court Order on Plaintiff's Motion *in Limine*, Motion Five: "Plaintiff's motion to permit leading questions or Defendant's employees as hostile witnesses is DENIED in part and GRANTED in part as follows: Plaintiff may treat as hostile witnesses (1) Defendant's current employees because Defendant does not object to Plaintiff's doing so, (2) Tariq Shaukat because Plaintiff accuses him of discriminatory conduct that is in part the basis for this action and (3) any former employee who at the time of trial is represented by defense counsel and who participates with defense counsel in preparing their testimony. The motion is denied as to any remaining employees. At least three weeks prior to the commencement of trial, defense counsel shall identify for Plaintiff any former employees as to whom the motion is denied." (ECF 292 at ¶ 7.)

- f. Motion Six: Plaintiff's motion to preclude Defendant from calling Dave Rensin as a witness is DENIED to the extent that Defendant may question Rensin about (1) the TSC Job Ladder generally and what it represents, but not in reference to Plaintiff or any other particular employee, and (2) any feedback from his interview of Plaintiff that he provided to those who made her leveling decision, not to be offered for the truth, but as information that was considered. As to item (2), Plaintiff

may submit a joint proposed limiting instruction at the time the evidence is presented.

2. Defendant's Motions *in Limine*

- a. Defendant Google LLC's Motion *in Limine* Regarding Evidence of Leveling Determinations (ECF No. 234)

The following documents on Plaintiff's Proposed Exhibit List relate to this motion:

EXHIBIT	BEG. BATES	END BATES
P15	GOOG-ROWE-00059224	GOOG-ROWE-00059229
P52	GOOG-ROWE-00059824	GOOG-ROWE-00059829

Court Order on Defendant's Motion *in Limine* Regarding Evidence of Leveling Determinations: "Defendant's motion to exclude evidence of 'leveling determinations,' outside of Level 8 and 9 Technical Directors in the Office of the CTO, is DENIED to the extent that Plaintiff may introduce evidence of (1) leveling decisions by Tariq Shaukat, whom Plaintiff alleges treated her in a discriminatory manner and (2) re-leveling decisions to illustrate that re-leveling was possible. This evidence is relevant under Rule 401 to show whether Plaintiff was treated in a discriminatory manner and with discriminatory intent. Defendant has not articulated any unfair prejudice or jury confusion, and any time spent on Defendant's contrary evidence is not waste time and is outweighed by the probative value of this evidence." (ECF 292 at ¶ 1.)

Plaintiff argues that Exhibit P15 does not relate to this motion as it is not a leveling determination, it is an internal discussion of a ladder transfer. Plaintiff further argues that P52 is admissible because it is not a leveling determination, and even if the Court determines it was, it was made by Tariq Shaukat.

- b. Defendant Google LLC's Notice of Motion *in Limine* to Exclude Evidence of Other Employee Complaints (ECF No. 236)

The following documents on Plaintiff's Proposed Exhibit List relate to this motion:

EXHIBIT	BEG. BATES	END BATES
P18	GOOG-ROWE-00056473	GOOG-ROWE-00056476

P39	GOOG-ROWE-P-00001200	GOOG-ROWE-P-00001201
	GOOG-ROWE-00060592	GOOG-ROWE-00060593
P58	P001591	P001603
P105	GOOG-ROWE-00058542	GOOG-ROWE-00058555

Court Order on Defendant's Motion *in Limine* to Exclude Evidence of Other Employee Complaints: "Defendant's motion to exclude evidence of other employees' complaints of alleged unfair treatment by Defendant is GRANTED in part and DENIED in part. Evidence concerning the following is excluded under Rule 403 as the evidence has limited, if any, probative value and is likely to confuse the jury in a way that will prejudice Defendant: (1) the *Haggan* and *Ellis* class actions, which were settled and did not include Plaintiff within the class, (2) protests principally concerning sexual harassment, which is not at issue in this case, and the resulting 2018 walkout and (3) a gender complaint against Stuart Breslow that did not involve plaintiff. Evidence of the following is permitted: (1) the December 2019 complaint of a Level 6 employee was no re-leveled to Level 7, to show that re-leveling was possible." (ECF 292 at ¶ 2.)

Plaintiff argues that Exhibit P18 does not relate to this motion because it is not an employee complaint. Plaintiff has removed Exhibits P39 and P58 from her exhibit list. Plaintiff further argues that P105 is admissible per the Court's ruling above (the complaint of a Level 6 employee was no re-leveled to Level 7, to show that re-leveling was possible.)

L. STIPULATIONS OF UNCONTESTED FACTS

There are no stipulations of uncontested facts.

M. STATEMENT OF DAMAGES

Plaintiff seeks those damages to which she is entitled under New York Labor Law and New York City Human Rights Law, including backpay, liquidated damages, compensatory damages, and punitive damages. These damages will be supported by Plaintiff's own testimony and that of her economic expert, Nora Ostrofe.

Plaintiff's economic losses through July 2023 are approximately \$10.9 million. Of this amount, approximately \$3.68 million is for liquidated damages on the portion of back-pay related to Equal Pay Law claims and approximately \$287,000 is for pre-judgment interest.

Plaintiff seeks emotional distress damages of \$300,000.00.

Plaintiff seeks punitive damages in an amount to be determined by the jury as necessary to punish and deter Google from such unlawful behavior, consistent with constitutional limitations.

Plaintiff seeks attorneys' fees and costs for all work performed in connection with the case, including post-trial work and work related to the fee application. Plaintiff's attorneys' fees are presently approximately \$3.01 million.

Plaintiff seeks reimbursement of costs, which are presently: approximately \$122,000. Defendant denies that Plaintiff is entitled to any of the relief she seeks.

OTHER RELIEF

Plaintiff seeks the following additional relief:

- a) Declare that Defendant's actions are violative of the law;
- b) Enjoin and permanently restrain these violations of the law;
- c) Direct Defendant to take such affirmative steps as are necessary to ensure that the effects of these unlawful practices are eliminated and do not continue to affect Plaintiff's employment opportunities.
- d) Direct Defendant to instate Plaintiff into the position she was denied or a comparable position, or in the alternative, set Plaintiff's compensation and benefits at a comparable level to that position;
- e) Award Plaintiff the number of Google shares she was unlawfully denied;
- f) Award Plaintiff damages to compensate for any adverse tax consequences;
- g) Award pre-judgment interest at the statutory rate of 9%;

- h) Award Plaintiff attorneys' fees, costs, and disbursements pursuant to applicable law; and
- i) Award such other legal and equitable relief as this Court deems necessary, just, and proper.

Defendant denies that Plaintiff is entitled to any of the relief she seeks.

N. UNANIMOUS VERDICT

The parties do not consent to less than a unanimous verdict.

Dated: July 14, 2023

By:  _____

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Appendix A

Appendix A – Plaintiff’s Proposed Exhibits

Advanced Ruling Requested?	Object?	Exhibit	Begin Bates	End Bates	Basis for Objection
Y	*	P1	P000751	P000751	Fed. R. Evid. 401 – How Plaintiff’s prior employer chose to compensate her is irrelevant to Plaintiff’s claims against Google.
Y		P2	P001743	P001745	Fed. R. Evid. 401, 403 – an opinion piece that pre-dates Plaintiff’s hiring is irrelevant to Plaintiff’s claims against Google; it is not authored by anyone involved in the challenged decisions and will only serve to confuse the jury and waste time.
	**	P3	GOOG- ROWE- 00055477	GOOG- ROWE- 00055479	
	**	P4	P000434	P000438	
	**	P5	GOOG- ROWE- 00017341.R	GOOG- ROWE- 00017352.R	
Y		P6	P000736	P000736	Fed. R. Evid. 401, 403 – an image of Ms. Rowe posted to social media has no tendency to make the existence of any fact of consequence in this trial more or less probable; its introduction will only result in undue delay.
	*	P7	GOOG- ROWE- 00058796	0091_GOOG- ROWE- 00058799	Fed. R. Evid. 801, 802 – descriptions of out-of-court statements allegedly made by Will Grannis, Brian Stevens, and others are offered for their truth.

Y	*	P8	GOOG- ROWE- 00017356	GOOG- ROWE- 00017358	Fed. R. Evid. 106 – the exhibit is incomplete; Plaintiff has not included the document linked within this email, without which the jury will lack critical context (Exhibit D38). Fed. R. Evid. 403 – without the linked document providing critical context, introduction of this exhibit will confuse and mislead the jury.
	**	P9	GOOG- ROWE- 00017375.R	GOOG- ROWE- 00017378.R	None
	**	P10	GOOG- ROWE- 00017379.R	GOOG- ROWE- 00017381.R	None
	*	P11	P001586	P001586	Fed. R. Evid. 801, 802 – to the extent Plaintiff offers the out-of-court statements allegedly made by Melissa Lawrence for the truth of what she allegedly said to Plaintiff; Defendant does not object to the portions of the document that reflect Plaintiff's statements and/or impressions, which are admissible for their truth as admissions pursuant to Fed. R. Evid. 801(d)(2).
	**	P12	GOOG- ROWE- 00017401.RR	GOOG- ROWE- 00017405.RR	
	**	P13	GOOG- ROWE- 00017406	GOOG- ROWE- 00017407	
	**	P14	GOOG- ROWE- 00058866	GOOG- ROWE- 00058867	

Y	*	P15	GOOG- ROWE- 00059224	GOOG- ROWE- 00059229	The document is inadmissible per Judge Schofield's ruling on Defendant's motion <i>in limine</i> . (ECF 292 ¶ 1.) This document falls into neither of the two narrow categories of permissible evidence of leveling determinations outside of Level 8 and 9 Technical Directors in the Office of the CTO. Fed. R. Evid. 401, 403 – Discussions concerning performance and leveling of an unrelated third-party seeking to transfer job ladders is irrelevant to any of the challenged decisions regarding Plaintiff's leveling, and its introduction will only serve to confuse and mislead the jury.
	**	P16	GOOG- ROWE- 00017410	GOOG- ROWE- 00017411	
Y	*	P17	GOOG- ROWE- 00059503	GOOG- ROWE- 00059508	Google acknowledges that Judge Schofield did not specifically reference this exhibit in her ruling on Defendant's motion <i>in limine</i> . (ECF 292.) However, this document should also be inadmissible for the reasons set forth in ¶ 2 of that Order (granting motion in part to exclude evidence of other employees' complaints of alleged unfair treatment). Fed. R. Evid. 401, 403 – alleged statements by another employee regarding her own compensation negotiations are not facts of consequence in determining Plaintiff's claims at trial. Nor do they have any logical tendency to make Plaintiff's claims more or less probable, and their introduction into evidence serves only to confuse and mislead the jury, or waste time.

					Fed. R. Evid. 801, 802 – to the extent Plaintiff intends to offer Will Grannis’ out of court statement about what he heard from a third-party employee for its truth.
Y	*	P18	GOOG- ROWE- 00056473	GOOG- ROWE- 00056476	Google acknowledges that Judge Schofield did not specifically reference this exhibit in her ruling on Defendant’s motion <i>in limine</i> . (ECF 292.) However, this document should also be inadmissible for the reasons set forth in ¶ 2 of that Order (granting motion in part to exclude evidence of other employees’ complaints of alleged unfair treatment). Fed. R. Evid. 801, 802 – to the extent the alleged out-of-court statements by Will Grannis and others are offered for their truth.
	**	P19	GOOG- ROWE-P- 00000714	GOOG- ROWE-P- 00000714	
	**	P20	GOOG- ROWE- 00017417.R	GOOG- ROWE- 00017417.R	
	**	P21	GOOG- ROWE- 00017425	GOOG- ROWE- 00017426	
	**	P22	GOOG- ROWE- 00017431	GOOG- ROWE- 00017432	
	**	P23	GOOG- ROWE- 00017427	GOOG- ROWE- 00017428	

	**	P24	GOOG- ROWE- 00017429	GOOG- ROWE- 00017430	
	**	P25	GOOG- ROWE-P- 00000726	GOOG- ROWE-P- 00000727	
	**	P26	GOOG- ROWE-P- 00000729	GOOG- ROWE-P- 00000730	
	**	P27	P000705	P000706	
	**	P28	GOOG- ROWE-P- 00000742	GOOG- ROWE-P- 00000743	
	**	P29	GOOG- ROWE-P- 00000762	GOOG- ROWE-P- 00000763	
	**	P30	GOOG- ROWE- 00017443	GOOG- ROWE- 00017443	
	**	P31	GOOG- ROWE-P- 00000821	GOOG- ROWE-P- 00000821	
	**	P31 (cont.)	GOOG- ROWE-P- 00004550	GOOG- ROWE-P- 00004552	

	**	P32	GOOG- ROWE- 00017446	GOOG- ROWE- 00017447	
	*	P33	GOOG- ROWE- 00017459	GOOG- ROWE- 00017464	Fed. R. Evid. 801, 802 – to the extent that Plaintiff offers the alleged out-of-court statements by Brian Stevens for their truth.
	**	P34	GOOG- ROWE- 00017465	GOOG- ROWE- 00017469	
	**	P35	GOOG- ROWE- 00017515	GOOG- ROWE- 00017517	
	**	P36	GOOG- ROWE- 00017518	GOOG- ROWE- 00017519	
	**	P37	GOOG- ROWE- 00017507	GOOG- ROWE- 00017508	
	**	P38	GOOG- ROWE- 00017532	GOOG- ROWE- 00017532	
		P39	None	None	Exhibit intentionally left blank
	**	P40	GOOG- ROWE- 00017554	GOOG- ROWE- 00017554	

	**	P41	GOOG- ROWE- 00054145	GOOG- ROWE- 00054145	
	**	P42	GOOG- ROWE-P- 00001229	GOOG- ROWE-P- 00001229	
	**	P43	GOOG- ROWE- 00017555	GOOG- ROWE- 00017557	
	**	P44	GOOG- ROWE- 00017563	GOOG- ROWE- 00017564	
	**	P45	GOOG- ROWE- 00017565.R	GOOG- ROWE- 00017566.R	
Y	*	P46	GOOG- ROWE- 00058307	GOOG- ROWE- 00058307	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058308	GOOG- ROWE- 00058308	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058309	GOOG- ROWE- 00058309	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these

					documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058310	GOOG- ROWE- 00058310	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058311	GOOG- ROWE- 00058311	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058312	GOOG- ROWE- 00058312	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058313	GOOG- ROWE- 00058313	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058317	GOOG- ROWE- 00058317	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.

Y	*	P46 (cont.)	GOOG- ROWE- 00058321	GOOG- ROWE- 00058321	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058325	GOOG- ROWE- 00058325	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058326	GOOG- ROWE- 00058326	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058330	GOOG- ROWE- 00058330	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058334	GOOG- ROWE- 00058334	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058338	GOOG- ROWE- 00058338	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these

					documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058342	GOOG- ROWE- 00058342	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058346	GOOG- ROWE- 00058346	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058350	GOOG- ROWE- 00058350	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058354	GOOG- ROWE- 00058354	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P46 (cont.)	GOOG- ROWE- 00058358	GOOG- ROWE- 00058358	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.

Y	*	P46 (cont.)	GOOG- ROWE- 00058362	GOOG- ROWE- 00058362	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47	GOOG- ROWE- 00058315	GOOG- ROWE- 00058315	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058319	GOOG- ROWE- 00058319	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058323	GOOG- ROWE- 00058323	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058327	GOOG- ROWE- 00058327	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058331	GOOG- ROWE- 00058331	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these

					documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058336	GOOG- ROWE- 00058336	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058340	GOOG- ROWE- 00058340	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058345	GOOG- ROWE- 00058345	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058349	GOOG- ROWE- 00058349	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058353	GOOG- ROWE- 00058353	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.

Y	*	P47 (cont.)	GOOG- ROWE- 00058356	GOOG- ROWE- 00058356	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058361	GOOG- ROWE- 00058361	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058363	GOOG- ROWE- 00058363	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058367	GOOG- ROWE- 00058367	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058371	GOOG- ROWE- 00058371	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058373	GOOG- ROWE- 00058373	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these

					documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058375	GOOG- ROWE- 00058375	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P47 (cont.)	GOOG- ROWE- 00058378	GOOG- ROWE- 00058378	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48	GOOG- ROWE- 00058314	GOOG- ROWE- 00058314	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058318	GOOG- ROWE- 00058318	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058322	GOOG- ROWE- 00058322	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.

Y	*	P48 (cont.)	GOOG- ROWE- 00058328	GOOG- ROWE- 00058328	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058332	GOOG- ROWE- 00058332	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058335	GOOG- ROWE- 00058335	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058339	GOOG- ROWE- 00058339	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058344	GOOG- ROWE- 00058344	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058347	GOOG- ROWE- 00058347	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these

					documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058352	GOOG- ROWE- 00058352	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058357	GOOG- ROWE- 00058357	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058360	GOOG- ROWE- 00058360	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058364	GOOG- ROWE- 00058364	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058368	GOOG- ROWE- 00058368	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.

Y	*	P48 (cont.)	GOOG- ROWE- 00058370	GOOG- ROWE- 00058370	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058374	GOOG- ROWE- 00058374	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058377	GOOG- ROWE- 00058377	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P48 (cont.)	GOOG- ROWE- 00058379	GOOG- ROWE- 00058379	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49	GOOG- ROWE- 00058316	GOOG- ROWE- 00058316	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058320	GOOG- ROWE- 00058320	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these

					documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058324	GOOG- ROWE- 00058324	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058329	GOOG- ROWE- 00058329	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058333	GOOG- ROWE- 00058333	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058337	GOOG- ROWE- 00058337	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058341	GOOG- ROWE- 00058341	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.

Y	*	P49 (cont.)	GOOG- ROWE- 00058343	GOOG- ROWE- 00058343	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058348	GOOG- ROWE- 00058348	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058351	GOOG- ROWE- 00058351	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058355	GOOG- ROWE- 00058355	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058359	GOOG- ROWE- 00058359	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058365	GOOG- ROWE- 00058365	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these

					documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058366	GOOG- ROWE- 00058366	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058369	GOOG- ROWE- 00058369	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058372	GOOG- ROWE- 00058372	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058376	GOOG- ROWE- 00058376	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.
Y	*	P49 (cont.)	GOOG- ROWE- 00058380	GOOG- ROWE- 00058380	Fed. R. Evid. 403 – there is no dispute that the individuals who interviewed Plaintiff for the Financial Services Vertical Lead position did not record their feedback into gHire; these documents are therefore unnecessarily cumulative.

	**	P50	GOOG- ROWE- 00056552	GOOG- ROWE- 00056555	
	**	P51	GOOG- ROWE- 00017568	GOOG- ROWE- 00017568	
Y	*	P52	GOOG- ROWE- 00059824	GOOG- ROWE- 00059829	<p>This document should be deemed inadmissible for the reasons set forth in ECF 292 ¶ 1 (denying motion in part to permit evidence of “leveling decisions by Tariq Shaukat, whom Plaintiff alleges treated her in a discriminatory manner”). This document reflects another employee’s out-of-court statements about the leveling process generally, and does not fall into that narrow universe of permissible evidence. On its face, the exhibit is clear that no leveling determination is being made—in fact, the potential candidate had not even interviewed.</p> <p>Fed. R. Evid. 401, 403 – Discussions concerning performance and leveling of an unrelated third-party is irrelevant to any of the challenged decisions regarding Plaintiff’s leveling, no one on the email was involved in Plaintiff’s challenged leveling decision, and its introduction will only serve to confuse and mislead the jury.</p>
	**	P53	GOOG- ROWE- 00017583	GOOG- ROWE- 00017584	

	**	P54	GOOG- ROWE-P- 00001737	GOOG- ROWE-P- 00001737	
	**	P55	GOOG- ROWE- 00017589	GOOG- ROWE- 00017591	
Y	*	P56	GOOG- ROWE- 00017594	GOOG- ROWE- 00017595	Fed. R. Evid. 401, 403 – Mr. Vardaman did not participate in any compensation planning decisions, so his thoughts regarding compensation are irrelevant and will serve only to confuse or mislead the jury.
Y	*	P57	GOOG- ROWE- 00017998	GOOG- ROWE- 00018001	Fed. R. Evid. 801, 802 – statements made to an Employee Relations investigator are alleged out-of-court statements offered for their truth.
		P58	None	None	Exhibit intentionally left blank
	**	P59	GOOG- ROWE- 00017598	GOOG- ROWE- 00017598	
	**	P60	GOOG- ROWE- 00017599	GOOG- ROWE- 00017602	
	**	P61	GOOG- ROWE- 00017624	GOOG- ROWE- 00017632	
	**	P62	GOOG- ROWE- 00017634.R	GOOG- ROWE- 00017637.R	

	**	P63	GOOG- ROWE- 00017638	GOOG- ROWE- 00017638	
	**	P64	GOOG- ROWE- 00017639	GOOG- ROWE- 00017639	
	**	P65	GOOG- ROWE- 00056880	GOOG- ROWE- 00056889	
	**	P66	GOOG- ROWE- 00017642	GOOG- ROWE- 00017642	
	**	P67	GOOG- ROWE- 00017643	GOOG- ROWE- 00017643	
	**	P68	GOOG- ROWE- 00017644	GOOG- ROWE- 00017647	
	**	P69	GOOG- ROWE- 00017722.RR	GOOG- ROWE- 00017866.RR	
Y	*	P70	GOOG- ROWE- 00059939	GOOG- ROWE- 00059939	<p>Fed. R. Evid. 801, 802 – the document consists solely of alleged out-of-court statements offered to prove the truth of the matter asserted (<i>i.e.</i>, who an unrelated third-party who did not participate in any of the challenged decisions thought led the various industry verticals in Mr. Shaukat’s organization); the fact that Mr. Shaukat is a recipient of the communication does not change that fact.</p>

	**	P71	GOOG- ROWE- 00057023	GOOG- ROWE- 00057024	
	**	P72	GOOG- ROWE- 00059967	GOOG- ROWE- 00059969	
	**	P73	GOOG- ROWE- 00061580	GOOG- ROWE- 00061581	
		P74	P000707	P000709	Fed. R. Evid. 801, 802 – to the extent that Plaintiff seeks to introduce alleged out-of-court statements by Ms. Kuhn and “Jess” to prove the truth of the matters asserted. Defendant asserts authenticity objections to portion of the document Bates labeled P000709 only.
	*	P75	GOOG- ROWE- 00017663	GOOG- ROWE- 00017663	Fed. R. Evid. 801, 802 – to the extent that Plaintiff seeks to introduce the alleged out-of-court statement by “Stuart” to prove the truth of the matter asserted (i.e., the occurrence of a meeting).
	**	P76	P000659	P000662	
		P76 (cont.)	P000752	P000753	Defendant objects solely on the grounds of authenticity.
	**	P77	GOOG- ROWE- 00056890	GOOG- ROWE- 00056891	

	**	P78	GOOG- ROWE- 00056906	GOOG- ROWE- 00056909	
	**	P79	GOOG- ROWE- 00017677	GOOG- ROWE- 00017679	
	**	P80	GOOG- ROWE- 00057053	GOOG- ROWE- 00057055	
	**	P81	GOOG- ROWE- 00017690	GOOG- ROWE- 00017690	
	**	P82	GOOG- ROWE- 00056682	GOOG- ROWE- 00056690	
Y	*	P83	GOOG- ROWE- 00060418	GOOG- ROWE- 00060418	Fed. R. Evid. 401, 403 – there is no evidence in the record that the email recipients were involved in any of the challenged decisions to be tried in this case; the introduction of this evidence will only confuse or mislead the jury, waste time, and is intended to harass.
Y		P84	P000683	P000683	Fed. R. Evid. 401, 403 – there is no evidence in the record that the recipient of the screen-shot chat message (which Defendant believes to be Leonard Law) was involved in any of the challenged decisions to be tried in this case; the introduction of this evidence will only confuse or mislead the jury and waste time.

	**	P85	GOOG- ROWE- 00056734	GOOG- ROWE- 00056736	
Y	*	P86	GOOG- ROWE- 00017873	GOOG- ROWE- 00017875	Fed. R. Evid. 106 – the document is incomplete when presented in redacted form, and Plaintiff should be required to use the document at D80.
Y	*	P87	GOOG- ROWE- 00017710.R	GOOG- ROWE- 00017712.R	Fed. R. Evid. 801, 802 – the document created by an unspecified author consists solely of alleged out-of-court statements to prove the truth of the matters asserted (<i>i.e.</i> , the performance of those referenced in the document).
	**	P88	GOOG- ROWE- 00018014	GOOG- ROWE- 00018014	
	**	P89	GOOG- ROWE- 00018015	GOOG- ROWE- 00018015	
Y	*	P90	GOOG- ROWE- 00018558	GOOG- ROWE- 00018559	Fed. R. Evid. 401, 403 – there is no evidence in the record that Plaintiff sought, applied, or was considered for a role as a Technical Director on OCTO’s Applied AI team; as such, the information is irrelevant to any of the challenged decisions to be tried, and its introduction serves only to confuse or mislead the jury, and waste time.
		P91	P000695	P000697	Fed. R. Evid. 801, 802 – this alleged reproduction of Mr. Breslow’s LinkedIn profile is hearsay is offered to prove the truth of its contents.

	*	P92	GOOG- ROWE- 00060490	GOOG- ROWE- 00060495	Fed. R. Evid. 602 – Plaintiff has not identified a witness to lay the foundation for introduction of this document into evidence or speak to the purpose for which it was created.
	**	P93	GOOG- ROWE- 00019205	GOOG- ROWE- 00019208	
Y	*	P94	GOOG- ROWE- 00022669	GOOG- ROWE- 00022670	Fed. R. Evid. 401, 403 – the leveling policy document is dated 2019, two years after Plaintiff’s challenged leveling decision. It therefore could not have been consulted or relied upon by any decision maker, and its introduction into evidence serves only to confuse and mislead the jury.
Y	*	P95	GOOG- ROWE- 00026916	GOOG- ROWE- 00026917	Fed. R. Evid. 401, 403 – the leveling policy document is dated 2019, two years after Plaintiff’s challenged leveling decision. It therefore could not have been consulted or relied upon by any decision maker, and its introduction into evidence serves only to confuse and mislead the jury.
Y	*	P96	GOOG- ROWE- 00020117	GOOG- ROWE- 00020118	Fed. R. Evid. 401, 403 – Plaintiff does not assert that she should have been promoted to Level 9 in the manner contemplated by this policy document, and she is estopped from advancing that argument now. Therefore, the substance of this document is irrelevant to the claims at issue, and its introduction into evidence serves only to confuse or mislead the jury.

	**	P97	GOOG- ROWE- 00019740	GOOG- ROWE- 00019741	
	**	P98	GOOG- ROWE- 00019782	GOOG- ROWE- 00019786	
	**	P99	GOOG- ROWE- 00030107	GOOG- ROWE- 00030112	
	**	P100	GOOG- ROWE- 00056764	GOOG- ROWE- 00056766	
	**	P101	GOOG- ROWE- 00060559	GOOG- ROWE- 00060562	
Y	*	P102	GOOG- ROWE- 00052135	GOOG- ROWE- 00052135	Fed. R. Evid. 401, 403 – the leveling policy document is dated 2020, three years after Plaintiff’s challenged leveling decision. It therefore could not have been consulted or relied upon by any decision maker, and its introduction into evidence serves only to confuse and mislead the jury.
Y	*	P108 (SECOND P108)	GOOG- ROWE- 00052153	GOOG- ROWE- 00052153	Fed. R. Evid. 401, 403 – the leveling policy document is dated 2020, three years after Plaintiff’s challenged leveling decision. It therefore could not have been consulted or relied upon by any decision maker, and its introduction into evidence serves only to confuse and mislead the jury.

	**	P103	GOOG- ROWE- 00053767	GOOG- ROWE- 00053767	
Y		P104	P000738	P000738	<p>Fed. R. Evid. 401, 403 – the undated “article” about Plaintiff’s alleged credentials has no bearing on the issues in this case, and there is no evidence that anyone at Google knew about or considered its contents when making any decision as it relates to Plaintiff. It is therefore irrelevant and its introduction into evidence serves only to confuse or mislead the jury, and waste time.</p> <p>Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.</p>
Y		P104 (cont.)	P000739	P000746	<p>Fed. R. Evid. 401, 403 – there is no evidence that anyone at Google knew about or considered the contents of this article when making any decision as it relates to Plaintiff. It is therefore irrelevant and its introduction into evidence serves only to confuse or mislead the jury, and waste time.</p> <p>Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.</p>
		P104 (cont.)	P000747	P000748	<p>Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.</p>
		P104 (cont.)	P000754	P000762	<p>Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.</p>

Y		P104 (cont.)	P000774	P000780	<p>Fed. R. Evid. 401, 403 – the article about Plaintiff’s alleged credentials has no bearing on the issues in this case, and there is no evidence that anyone at Google knew about or considered its contents when making any decision as it relates to Plaintiff. It is therefore irrelevant and its introduction into evidence serves only to confuse or mislead the jury, and waste time.</p> <p>Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.</p>
		P104 (cont.)	P000781	P000786	<p>Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.</p>
		P104 (cont.)	P000787	P000791	<p>Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.</p>
Y		P104 (cont.)	P000792	P000793	<p>Fed. R. Evid. 401, 403 – there is no evidence that anyone at Google knew about or considered the contents of this article when making any decision as it relates to Plaintiff. It is therefore irrelevant and its introduction into evidence serves only to confuse or mislead the jury, and waste time.</p> <p>Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.</p>
	*	P104 (cont.)	P000800	P000802	<p>Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.</p>

		P104 (cont.)	P000808	P000813	Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.
		P104 (cont.)	P000814	P000824	Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.
		P104 (cont.)	P000825	P000826	Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.
		P104 (cont.)	P000827	P000830	Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.
		P104 (cont.)	P000831	P000850	Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.
Y		P104 (cont.)	P000858	P000862	Fed. R. Evid. 401, 403 – there is no evidence that anyone at Google knew about or considered the contents of this article when making any decision as it relates to Plaintiff. It is therefore irrelevant and its introduction into evidence serves only to confuse or mislead the jury, and waste time. Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.
	*	P104 (cont.)	P000864	P000864	Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.

		P104 (cont.)	P000865	P000866	Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.
Y		P104 (cont.)	P000867	P000870	Fed. R. Evid. 401, 403 – there is no evidence that anyone at Google knew about or considered the contents of this article when making any decision as it relates to Plaintiff. It is therefore irrelevant and its introduction into evidence serves only to confuse or mislead the jury, and waste time. Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.
	**	P104 (cont.)	P000871	P000873	
	*	P104 (cont.)	P000876	P000879	Fed. R. Evid. 801, 802 – to the extent the document is offered to prove the truth of the alleged out-of-court statements contained therein.
	*	P105	GOOG- ROWE- 00058542	GOOG- ROWE- 00058555	Google acknowledges that Judge Schofield ruled on the relevance of this exhibit in her Order on Defendant’s motion <i>in limine</i> , but did not opine on the hearsay objections raised. (ECF 292 ¶ 2.) Fed. R. Evid. 801, 802 – the notes prepared during the investigation of the complaint consist solely of alleged out-of-court statements offered for the truth of the matters asserted.
	**	P106	GOOG- ROWE- 00060571	GOOG- ROWE- 00060573	

	**	P107	GOOG- ROWE- 00055391	GOOG- ROWE- 00055393	
Y	*	P108	GOOG- ROWE- 00056990	GOOG- ROWE- 00057014	Fed. R. Evid. 801, 802 – the notes prepared during the investigation of the complaint consist solely of alleged out-of-court statements offered for their truth.
	**	P109	GOOG- ROWE-P- 00004556	GOOG- ROWE-P- 00004556	
	*	P110	GOOG- ROWE- 00055946	GOOG- ROWE- 00055998	Fed. R. Evid. 401, 403 – the document is irrelevant unless Plaintiff can show that this is the version of one of Google’s workplace trainings taken by one of the relevant decision makers in the case.
	**	P111	GOOG- ROWE- 00056272	GOOG- ROWE- 00056273	
	*	P112	GOOG- ROWE- 00056868	GOOG- ROWE- 00056874	Fed. R. Evid. 801, 802 – the document consists of several alleged out-of-court statements offered to prove the truth of the matters asserted.
Y		P113	GOOG- ROWE- 00060591	GOOG- ROWE- 00060591	Fed. R. Evid. 401, 403 – the excel spreadsheet contains compensation information for Plaintiff’s alleged comparators for years or partial years for which they indisputably performed roles other than L8 or L9 Technical Directors in OCTO, and Plaintiff has abandoned her claim that she is comparable to individuals who hold those other roles. The information is therefore irrelevant to her claims, and its introduction into evidence will serve to prejudice Defendant, or mislead and confuse the jury.

					Fed. R. Evid. 1006 - To the extent Plaintiff offers a “summary” document of the excel spreadsheet in lieu of the actual document produced in discovery, the spreadsheet in question is not so voluminous that it cannot be conveniently examined at trial, and Plaintiff’s “summary” is just as “voluminous” as the document she purports to summarize. Finally, Plaintiff has not identified a competent witness who prepared the “summary” for cross-examination. Should the Court admit the “summary” into evidence, Defendant respectfully requests that the underlying document also be admitted and the jury be given a cautionary instruction to carefully examine whether the chart is an accurate reflection of that underlying document.
Y	*	P114	GOOG-ROWE-00058782	GOOG-ROWE-00058782	Fed. R. Evid. 401, 403 – there is no evidence in the record that any witness at Google consulted this document when making any of the challenged decisions, and its introduction into evidence serves only to confuse or mislead the jury, or waste time.
	**	P115	GOOG-ROWE-00060579.R	GOOG-ROWE-00060590.R	
	**	P116	GOOG-ROWE-00063078	GOOG-ROWE-00063111	
Y	*	P117	GOOG-ROWE-00062565	GOOG-ROWE-00062596	Fed. R. Evid. 106 – the document is incomplete, and Mr. Eryurek’s full hiring packet is available at D42.

	**	P118	GOOG- ROWE- 00056318.R	GOOG- ROWE- 00056346.R	
	**	P119	GOOG- ROWE- 00019097.R	GOOG- ROWE- 00019146.R	
	**	P120	GOOG- ROWE- 00061880	GOOG- ROWE- 00061904	
	**	P121	GOOG- ROWE- 00062214	GOOG- ROWE- 00062241	
	**	P122	GOOG- ROWE- 00053826.R	GOOG- ROWE- 00053832.R	
	**	P122 (cont.)	GOOG- ROWE- 00053841.R	GOOG- ROWE- 00053847.R	
	**	P122 (cont.)	GOOG- ROWE- 00053875.R	GOOG- ROWE- 00053878.R	
	**	P122 (cont.)	GOOG- ROWE- 00053837.R	GOOG- ROWE- 00053840.R	
	**	P123	GOOG- ROWE- 00056275	GOOG- ROWE- 00056275	

	**	P123 (cont.)	GOOG- ROWE- 00056312	GOOG- ROWE- 00056315	
	**	P123 (cont.)	GOOG- ROWE- 00056287	GOOG- ROWE- 00056294	
	**	P123 (cont.)	GOOG- ROWE- 00056276	GOOG- ROWE- 00056282	
	**	P123 (cont.)	GOOG- ROWE- 00056303	GOOG- ROWE- 00056311	
	**	P123 (cont.)	GOOG- ROWE- 00056283	GOOG- ROWE- 00056286	
	**	P123 (cont.)	GOOG- ROWE- 00056295	GOOG- ROWE- 00056302	
	**	P123 (cont.)	GOOG- ROWE- 00079130	GOOG- ROWE- 00079133	
	**	P123 (cont.)	GOOG- ROWE- 00079321	GOOG- ROWE- 00079323	
	**	P123 (cont.)	GOOG- ROWE- 00079317	GOOG- ROWE- 00079320	

	**	P123 (cont.)	GOOG- ROWE- 00079382	GOOG- ROWE- 00079386	
	**	P123 (cont.)	GOOG- ROWE- 00079175	GOOG- ROWE- 00079176	
	**	P123 (cont.)	GOOG- ROWE- 00079406	GOOG- ROWE- 00079407	
	**	P123 (cont.)	GOOG- ROWE- 00082596	GOOG- ROWE- 00082603	
	**	P123 (cont.)	GOOG- ROWE- 00082628	GOOG- ROWE- 00082636	
	**	P123 (cont.)	GOOG- ROWE- 00082943	GOOG- ROWE- 00082949	
	**	P123 (cont.)	GOOG- ROWE- 00082764	GOOG- ROWE- 00082771	
	**	P124	GOOG- ROWE- 00053889.R	GOOG- ROWE- 00053890.R	
	**	P124 (cont.)	GOOG- ROWE- 00053833.R	GOOG- ROWE- 00053835.R	

	**	P124 (cont.)	GOOG- ROWE- 00053891.R	GOOG- ROWE- 00053894.R	
	**	P124 (cont.)	GOOG- ROWE- 00053864.R	GOOG- ROWE- 00053868.R	
	**	P124 (cont.)	GOOG- ROWE- 00053852.R	GOOG- ROWE- 00053861.R	
	**	P124 (cont.)	GOOG- ROWE- 00053901.R	GOOG- ROWE- 00053909.R	
	**	P124 (cont.)	GOOG- ROWE- 00053885.R	GOOG- ROWE- 00053888.R	
	**	P124 (cont.)	GOOG- ROWE- 00053879.R	GOOG- ROWE- 00053881.R	
	**	P124 (cont.)	GOOG- ROWE- 00067197	GOOG- ROWE- 00067207	
	**	P124 (cont.)	GOOG- ROWE- 00067208	GOOG- ROWE- 00067213	
	**	P124 (cont.)	GOOG- ROWE- 00067233	GOOG- ROWE- 00067237	

	**	P124 (cont.)	GOOG- ROWE- 00079027	GOOG- ROWE- 00079031	
	**	P124 (cont.)	GOOG- ROWE- 00079104	GOOG- ROWE- 00079107	
	**	P124 (cont.)	GOOG- ROWE- 00079095	GOOG- ROWE- 00079098	
	**	P124 (cont.)	GOOG- ROWE- 00079099	GOOG- ROWE- 00079103	
	**	P124 (cont.)	GOOG- ROWE- 00078984	GOOG- ROWE- 00078993	
	**	P124 (cont.)	GOOG- ROWE- 00079145	GOOG- ROWE- 00079153	
	**	P124 (cont.)	GOOG- ROWE- 00082556	GOOG- ROWE- 00082564	
	**	P124 (cont.)	GOOG- ROWE- 00082565	GOOG- ROWE- 00082573	
	**	P124 (cont.)	GOOG- ROWE- 00082574	GOOG- ROWE- 00082584	

	**	P124 (cont.)	GOOG- ROWE- 00082585	GOOG- ROWE- 00082595	
	**	P124 (cont.)	GOOG- ROWE- 00083158	GOOG- ROWE- 00083158	
	**	P124 (cont.)	GOOG- ROWE- 00083159	GOOG- ROWE- 00083160	
	**	P125	GOOG- ROWE- 00053811.R	GOOG- ROWE- 00053811.R	
	**	P125 (cont.)	GOOG- ROWE- 00053803.R	GOOG- ROWE- 00053810.R	
	**	P125 (cont.)	GOOG- ROWE- 00053812.R	GOOG- ROWE- 00053819.R	
	**	P125 (cont.)	GOOG- ROWE- 00053798.R	GOOG- ROWE- 00053802.R	
	**	P125 (cont.)	GOOG- ROWE- 00053820.R	GOOG- ROWE- 00053824.R	
	**	P125 (cont.)	GOOG- ROWE- 00067168	GOOG- ROWE- 00067177	

	**	P125 (cont.)	GOOG- ROWE- 00067178	GOOG- ROWE- 00067186	
	**	P125 (cont.)	GOOG- ROWE- 00067187	GOOG- ROWE- 00067191	
	**	P125 (cont.)	GOOG- ROWE- 00067192	GOOG- ROWE- 00067196	
	**	P125 (cont.)	GOOG- ROWE- 00082647	GOOG- ROWE- 00082648	
	**	P125 (cont.)	GOOG- ROWE- 00082688	GOOG- ROWE- 00082688	
	**	P125 (cont.)	GOOG- ROWE- 00082923	GOOG- ROWE- 00082928	
	**	P125 (cont.)	GOOG- ROWE- 00082929	GOOG- ROWE- 00082933	
	**	P126	GOOG- ROWE- 00017907	GOOG- ROWE- 00017913	
	**	P126 (cont.)	GOOG- ROWE- 00017929	GOOG- ROWE- 00017933	

	**	P126 (cont.)	GOOG- ROWE- 00017914	GOOG- ROWE- 00017918	
	**	P126 (cont.)	GOOG- ROWE- 00017885	GOOG- ROWE- 00017890	
	**	P126 (cont.)	GOOG- ROWE- 00017936	GOOG- ROWE- 00017941	
	**	P126 (cont.)	GOOG- ROWE- 00017897	GOOG- ROWE- 00017906	
	**	P126 (cont.)	GOOG- ROWE- 00017949	GOOG- ROWE- 00017957	
	**	P126 (cont.)	GOOG- ROWE- 00017919	GOOG- ROWE- 00017919	
	**	P126 (cont.)	GOOG- ROWE- 00017935	GOOG- ROWE- 00017935	
	**	P126 (cont.)	GOOG- ROWE- 00056246	GOOG- ROWE- 00056251	
	**	P126 (cont.)	GOOG- ROWE- 00079122	GOOG- ROWE- 00079124	

	**	P126 (cont.)	GOOG- ROWE- 00079125	GOOG- ROWE- 00079126	
	**	P126 (cont.)	GOOG- ROWE- 00079022	GOOG- ROWE- 00079022	
	**	P126 (cont.)	GOOG- ROWE- 00079128	GOOG- ROWE- 00079129	
	**	P126 (cont.)	GOOG- ROWE- 00079156	GOOG- ROWE- 00079161	
	**	P126 (cont.)	GOOG- ROWE- 00079165	GOOG- ROWE- 00079168	
	**	P126 (cont.)	GOOG- ROWE- 00082726	GOOG- ROWE- 00082731	
	**	P126 (cont.)	GOOG- ROWE- 00082821	GOOG- ROWE- 00082827	
	**	P126 (cont.)	GOOG- ROWE- 00082816	GOOG- ROWE- 00082820	
	**	P126 (cont.)	GOOG- ROWE- 00082918	GOOG- ROWE- 00082922	

	**	P126 (cont.)	GOOG- ROWE- 00083196	GOOG- ROWE- 00083196	
	**	P127	GOOG- ROWE- 00067274	GOOG- ROWE- 00067274	
	**	P127 (cont.)	GOOG- ROWE- 00067253	GOOG- ROWE- 00067256	
	**	P127 (cont.)	GOOG- ROWE- 00067257	GOOG- ROWE- 00067264	
	**	P127 (cont.)	GOOG- ROWE- 00067272	GOOG- ROWE- 00067272	
	**	P127 (cont.)	GOOG- ROWE- 00067265	GOOG- ROWE- 00067271	
	**	P127 (cont.)	GOOG- ROWE- 00067273	GOOG- ROWE- 00067273	
	**	P127 (cont.)	GOOG- ROWE- 00067275	GOOG- ROWE- 00067281	
	**	P127 (cont.)	GOOG- ROWE- 00079134	GOOG- ROWE- 00079134	

	**	P127 (cont.)	GOOG- ROWE- 00079242	GOOG- ROWE- 00079242	
	**	P127 (cont.)	GOOG- ROWE- 00079405	GOOG- ROWE- 00079405	
	**	P127 (cont.)	GOOG- ROWE- 00079062	GOOG- ROWE- 00079063	
	**	P127 (cont.)	GOOG- ROWE- 00079170	GOOG- ROWE- 00079174	
	**	P127 (cont.)	GOOG- ROWE- 00079056	GOOG- ROWE- 00079061	
	**	P127 (cont.)	GOOG- ROWE- 00082702	GOOG- ROWE- 00082603	
	**	P127 (cont.)	GOOG- ROWE- 00082805	GOOG- ROWE- 00082815	
	**	P127 (cont.)	GOOG- ROWE- 00082637	GOOG- ROWE- 00082646	
	**	P127 (cont.)	GOOG- ROWE- 00082950	GOOG- ROWE- 00082955	

	**	P127 (cont.)	GOOG- ROWE- 00083184	GOOG- ROWE- 00083184	
	**	P127 (cont.)	GOOG- ROWE- 00083185	GOOG- ROWE- 00083185	
	**	P128	GOOG- ROWE- 00053862.R	GOOG- ROWE- 00053862.R	
	**	P128 (cont.)	GOOG- ROWE- 00053863.R	GOOG- ROWE- 00053863.R	
	**	P128 (cont.)	GOOG- ROWE- 00053848.R	GOOG- ROWE- 00053851.R	
	**	P128 (cont.)	GOOG- ROWE- 00053882.R	GOOG- ROWE- 00053884.R	
	**	P128 (cont.)	GOOG- ROWE- 00053869.R	GOOG- ROWE- 00053874.R	
	**	P128 (cont.)	GOOG- ROWE- 00053895.R	GOOG- ROWE- 00053900.R	
	**	P128 (cont.)	GOOG- ROWE- 00053825.R	GOOG- ROWE- 00053825.R	

	**	P128 (cont.)	GOOG- ROWE- 00053836.R	GOOG- ROWE- 00053836.R	
	**	P128 (cont.)	GOOG- ROWE- 00067225	GOOG- ROWE- 00067232	
	**	P128 (cont.)	GOOG- ROWE- 00067238	GOOG- ROWE- 00067246	
	**	P128 (cont.)	GOOG- ROWE- 00067214	GOOG- ROWE- 00067218	
	**	P128 (cont.)	GOOG- ROWE- 00067219	GOOG- ROWE- 00067224	
	**	P128 (cont.)	GOOG- ROWE- 00079127	GOOG- ROWE- 00079127	
	**	P128 (cont.)	GOOG- ROWE- 00079169	GOOG- ROWE- 00079169	
	**	P128 (cont.)	GOOG- ROWE- 00082614	GOOG- ROWE- 00082627	
	**	P128 (cont.)	GOOG- ROWE- 00082649	GOOG- ROWE- 00082661	

	**	P128 (cont.)	GOOG- ROWE- 00082732	GOOG- ROWE- 00082739	
	**	P128 (cont.)	GOOG- ROWE- 00082900	GOOG- ROWE- 00082908	
	*	P129	GOOG- ROWE- 00053772.R	GOOG- ROWE- 00053773.R	Fed. R. Evid. 401, 403 – to the extent Plaintiff offers this document to demonstrate Mr. Breslow’s compensation prior to the date on which she alleged he was given the Financial Services Vertical Lead role she sought, the information is irrelevant because Mr. Breslow was not hired as a Technical Director in OCTO, and therefore what Google paid Mr. Breslow in this role has no bearing on the issues to be tried. Its introduction into evidence serves only to confuse and mislead the jury.
	**	P129 (cont.)	GOOG- ROWE- 00053774.R	GOOG- ROWE- 00053775.R	
	**	P130	GOOG- ROWE- 00055386	GOOG- ROWE- 00055386	
	**	P130 (cont.)	GOOG- ROWE- 00055389	GOOG- ROWE- 00055390	
	**	P130 (cont.)	GOOG- ROWE- 00078246	GOOG- ROWE- 00078247	

	**	P130 (cont.)	GOOG- ROWE- 00068458	GOOG- ROWE- 00068459	
	**	P130 (cont.)	GOOG- ROWE- 00078273	GOOG- ROWE- 00078274	
	**	P131	GOOG- ROWE- 00053776.R	GOOG- ROWE- 00053777.R	
Y	*	P131 (cont.)	GOOG- ROWE- 00053778.R	GOOG- ROWE- 00053779.R	Fed. R. Evid. 401, 403 – Mr. Eryurek’s compensation at this point in time is irrelevant because he was indisputably performing the work of a Director, Product Manager beginning in August of 2018, and Plaintiff has abandoned her claim that she is comparable to individuals who hold this position. Its introduction into evidence therefore serves only to confuse or mislead the jury, and waste time.
Y	*	P131 (cont.)	GOOG- ROWE- 00053780.R	GOOG- ROWE- 00053781.R	Fed. R. Evid. 401, 403 – Mr. Eryurek’s compensation at this point in time is irrelevant because he was indisputably performing the work of a Director, Product Manager beginning in August of 2018, and Plaintiff has abandoned her claim that she is comparable to individuals who hold this position. Its introduction into evidence therefore serves only to confuse or mislead the jury, and waste time.
Y	*	P131 (cont.)	GOOG- ROWE- 00078263	GOOG- ROWE- 00078264	Fed. R. Evid. 401, 403 – Mr. Eryurek’s compensation at this point in time is irrelevant because he was indisputably performing the work of a Director, Product Manager beginning in August of 2018, and Plaintiff has abandoned her claim that she is comparable to

					<p>individuals who hold this position. Its introduction into evidence therefore serves only to confuse or mislead the jury, and waste time.</p>
Y	*	P131 (cont.)	GOOG- ROWE- 00078236	GOOG- ROWE- 00078237	<p>Fed. R. Evid. 401, 403 – Mr. Eryurek’s compensation at this point in time is irrelevant because he was indisputably performing the work of a Director, Product Manager beginning in August of 2018, and Plaintiff has abandoned her claim that she is comparable to individuals who hold this position. Its introduction into evidence therefore serves only to confuse or mislead the jury, and waste time.</p>
	**	P132	GOOG- ROWE- 00053782.R	GOOG- ROWE- 00053782.R	
Y	*	P132 (cont.)	GOOG- ROWE- 00053783.R	GOOG- ROWE- 00053784.R	<p>Fed. R. Evid. 401, 403 – Mr. Harteau’s compensation at this point in time is irrelevant because he was indisputably performing the work of an Engineering Director supervising a team of Software Engineers beginning in September of 2018, and Plaintiff has abandoned her claim that she is comparable to individuals who hold this position. Its introduction into evidence therefore serves only to confuse or mislead the jury, and waste time.</p>
Y	*	P132 (cont.)	GOOG- ROWE- 00053785.R	GOOG- ROWE- 00053786.R	<p>Fed. R. Evid. 401, 403 – Mr. Harteau’s compensation at this point in time is irrelevant because he was indisputably performing the work of an Engineering Director supervising a team of Software Engineers beginning in September of 2018, and Plaintiff has abandoned her claim that she is comparable to individuals who hold this position. Its introduction</p>

					into evidence therefore serves only to confuse or mislead the jury, and waste time.
	**	P133	GOOG- ROWE- 00078071	GOOG- ROWE- 00078072	
	**	P133 (cont.)	GOOG- ROWE- 00078069	GOOG- ROWE- 00078070	
	**	P133 (cont.)	GOOG- ROWE- 00083094	GOOG- ROWE- 00083095	
	**	P133 (cont.)	GOOG- ROWE- 00083096	GOOG- ROWE- 00083096	
	**	P133 (cont.)	GOOG- ROWE- 00083097	GOOG- ROWE- 00083098	
	**	P134	GOOG- ROWE- 00017984	GOOG- ROWE- 00017985	
	**	P134 (cont.)	GOOG- ROWE- 00017958	GOOG- ROWE- 00017959	
	**	P134 (cont.)	GOOG- ROWE- 00078216	GOOG- ROWE- 00078217	

	**	P134 (cont.)	GOOG- ROWE- 00078244	GOOG- ROWE- 00078245	
	**	P134 (cont.)	GOOG- ROWE- 00078294	GOOG- ROWE- 00078295	
	**	P134 (cont.)	GOOG- ROWE- 00083067	GOOG- ROWE- 00083068	
	**	P134 (cont.)	GOOG- ROWE- 00083069	GOOG- ROWE- 00083069	
	**	P134 (cont.)	GOOG- ROWE- 00083070	GOOG- ROWE- 00083071	
	**	P135	GOOG- ROWE- 00067249	GOOG- ROWE- 00067250	
	**	P135 (cont.)	GOOG- ROWE- 00067251	GOOG- ROWE- 00067252	
	**	P135 (cont.)	GOOG- ROWE- 00067247	GOOG- ROWE- 00067248	
	**	P135 (cont.)	GOOG- ROWE- 00068466	GOOG- ROWE- 00068467	

	**	P135 (cont.)	GOOG- ROWE- 00078292	GOOG- ROWE- 00078293	
	**	P135 (cont.)	GOOG- ROWE- 00083046	GOOG- ROWE- 00083047	
	**	P135 (cont.)	GOOG- ROWE- 00083048	GOOG- ROWE- 00083048	
	**	P135 (cont.)	GOOG- ROWE- 00083049	GOOG- ROWE- 00083050	
	**	P136	GOOG- ROWE- 00053787.R	GOOG- ROWE- 00053787.R	
	**	P136 (cont.)	GOOG- ROWE- 00053788.R	GOOG- ROWE- 00053789.R	
Y	*	P136 (cont.)	GOOG- ROWE- 00053790.R	GOOG- ROWE- 00053791.R	Fed. R. Evid. 401, 403 – Mr. Wilson’s compensation at this point in time is irrelevant because he was indisputably performing the work of a Director, Product Manager as of late 2019, and Plaintiff has abandoned her claim that she is comparable to individuals who hold this position. Its introduction into evidence therefore serves only to confuse or mislead the jury, and waste time.
Y	*	P136 (cont.)	GOOG- ROWE- 00068464	GOOG- ROWE- 00068465	Fed. R. Evid. 401, 403 – Mr. Wilson’s compensation at this point in time is irrelevant because he was indisputably performing the work of a Director, Product Manager as of late 2019, and

					Plaintiff has abandoned her claim that she is comparable to individuals who hold this position. Its introduction into evidence therefore serves only to confuse or mislead the jury, and waste time.
Y	*	P137	GOOG- ROWE- 00060576	GOOG- ROWE- 00060578	Fed. R. Evid. 401, 403 – Mr. Breslow was not hired into the role of Technical Director in OCTO, but rather an unrelated position outside of OCTO. What Google paid him to perform that role is irrelevant to the issues to be tried, and its introduction into evidence serves only to mislead and confuse the jury, and waste time.
	**	P138	GOOG- ROWE- 00054163	GOOG- ROWE- 00054165	
	**	P139	GOOG- ROWE- 00054168	GOOG- ROWE- 00054170	
	**	P140	GOOG- ROWE- 00054161	GOOG- ROWE- 00054162	
	**	P141	GOOG- ROWE- 00078198	GOOG- ROWE- 00078202	
	**	P142	GOOG- ROWE- 00017920	GOOG- ROWE- 00017922	
	**	P143	GOOG- ROWE- 00064798	GOOG- ROWE- 00064800	

	**	P144	GOOG- ROWE- 00054166	GOOG- ROWE- 00054167	
	**	P145	N/A	N/A	
	**	P146	N/A	N/A	
	*	P147	N/A	N/A	Fed. R. Evid. 801, 802 – this declaration offered by Diane Greene at an earlier point in the case is an out-of-court statement offered to prove the truth of its contents.
Y	*	P148	GOOG- ROWE- 00082407	GOOG- ROWE- 00082414	Fed. R. Evid. 401, 403 – any amounts paid to Mr. Shaukat upon his separation from employment with Google, and the terms of his severance agreement, have no bearing on the claims or defenses in this case. There is also no dispute that Mr. Shaukat will appear to testify at trial, and Google concedes that Plaintiff may ask Mr. Shaukat leading questions or otherwise treat him as an adverse witness. Therefore, there is no basis for the introduction of this confidential document into evidence, and it will only confuse the issues, waste time, or mislead the jury.
	**	P149	GOOG- ROWE- 00017533	GOOG- ROWE- 00017538	

	**	P150	GOOG- ROWE- 00056487	GOOG- ROWE- 00056488	
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Appendix B

Appendix B – Defendant’s Proposed Exhibits

Advanced Ruling Requested	Object?	Exhibit	BeginBates	EndBates	Basis of Objection
	**	D1	GOOG- ROWE- 00017375.R	GOOG- ROWE- 00017378.R	
	**	D2	P001586	P001586	
	**	D3	GOOG- ROWE- 00017406	GOOG- ROWE- 00017407	
	**	D4	GOOG- ROWE- 00017410	GOOG- ROWE- 00017411	
	**	D5	GOOG- ROWE- 00017425	GOOG- ROWE- 00017426	
	**	D6	GOOG- ROWE-P- 00000821	GOOG- ROWE-P- 00000821	
		D6 (cont.)	GOOG- ROWE-P- 00004550	GOOG- ROWE-P- 00004552	
	**	D7	GOOG- ROWE- 00017554	GOOG- ROWE- 00017554	
	**	D8	GOOG- ROWE-P- 00001229	GOOG- ROWE-P- 00001229	
	**	D9	GOOG- ROWE- 00017555	GOOG- ROWE- 00017557	
	**	D10	GOOG- ROWE- 00017565.R	GOOG- ROWE- 00017566.R	
	**	D11	GOOG- ROWE- 00017568	GOOG- ROWE- 00017568	
	**	D12	GOOG- ROWE- 00017589	GOOG- ROWE- 00017591	
	**	D13	GOOG- ROWE- 00017598	GOOG- ROWE- 00017598	

	**	D14	P000102	P000102	
	**	D15	GOOG- ROWE- 00017642	GOOG- ROWE- 00017642	
	**	D16	GOOG- ROWE- 00017643	GOOG- ROWE- 00017643	
	**	D17	GOOG- ROWE- 00018015	GOOG- ROWE- 00018015	
	**	D18	GOOG- ROWE- 00030107	GOOG- ROWE- 00030112	
	**	D19	GOOG- ROWE- 00053767	GOOG- ROWE- 00053767	
	**	D20	GOOG- ROWE- 00060571	GOOG- ROWE- 00060573	
	**	D21	GOOG- ROWE- 00055391	GOOG- ROWE- 00055393	
	**	D23	GOOG- ROWE- 00060579.R	GOOG- ROWE- 00060590.R	
	**	D24	GOOG- ROWE- 00063078	GOOG- ROWE- 00063111	
	**	D25	GOOG- ROWE- 00056318.R	GOOG- ROWE- 00056346.R	
	**	D26	GOOG- ROWE- 00019097.R	GOOG- ROWE- 00019146.R	
	**	D27	GOOG- ROWE- 00061880	GOOG- ROWE- 00061904	
	**	D28	GOOG- ROWE- 00062214	GOOG- ROWE- 00062241	
	**	D29	Plaintiff's 122	Plaintiff's 122	
	**	D29 (cont.)	GOOG- ROWE- 00053826.R	GOOG- ROWE- 00053832.R	

	**	D29 (cont.)	GOOG- ROWE- 00053837.R	GOOG- ROWE- 00053840.R	
	**	D30	GOOG- ROWE- 00056312	GOOG- ROWE- 00056315	
	**	D30 (cont.)	GOOG- ROWE- 00056287	GOOG- ROWE- 00056294	
	**	D30 (cont.)	GOOG- ROWE- 00056276	GOOG- ROWE- 00056282	
	**	D30 (cont.)	GOOG- ROWE- 00056303	GOOG- ROWE- 00056311	
	**	D30 (cont.)	GOOG- ROWE- 00056283	GOOG- ROWE- 00056286	
	**	D30 (cont.)	GOOG- ROWE-82943	GOOG- ROWE- 00082949	
	**	D30 (cont.)	GOOG- ROWE- 00082764	GOOG- ROWE- 00082771	
	**	D30 (cont.)	GOOG- ROWE- 00079130	GOOG- ROWE- 00079133	
	**	D30 (cont.)	GOOG- ROWE- 00079382	GOOG- ROWE- 00079386	
	**	D31	GOOG- ROWE- 00053833.R	GOOG- ROWE- 00053835.R	
	**	D31 (cont.)	GOOG- ROWE- 00053891.R	GOOG- ROWE- 00053894.R	
	**	D31 (cont.)	GOOG- ROWE- 00053852.R	GOOG- ROWE- 00053861.R	
	**	D31 (cont.)	GOOG- ROWE- 00053885.R	GOOG- ROWE- 00053888.R	
	**	D31 (cont.)	GOOG- ROWE- 00053885.R	GOOG- ROWE- 00053888.R	

	**	D31 (cont.)	GOOG- ROWE- 00067197	GOOG- ROWE- 00067207	
	**	D31 (cont.)	GOOG- ROWE- 00067208	GOOG- ROWE- 00067213	
	**	D31 (cont.)	GOOG- ROWE- 00079099	GOOG- ROWE- 00079103	
	**	D31 (cont.)	GOOG- ROWE- 00078984	GOOG- ROWE- 00078993	
	**	D31 (cont.)	GOOG- ROWE- 00079145	GOOG- ROWE- 00079153	
	**	D32	GOOG- ROWE- 00053803.R	GOOG- ROWE- 00053810.R	
	**	D32 (cont.)	GOOG- ROWE- 00053820.R	GOOG- ROWE- 00053824.R	
	**	D33	GOOG- ROWE- 00017907	GOOG- ROWE- 00017913	
	**	D33 (cont.)	GOOG- ROWE- 00017967	GOOG- ROWE- 00017971	
	**	D33 (cont.)	GOOG- ROWE- 00017936	GOOG- ROWE- 00017941	
	**	D33 (cont.)	GOOG- ROWE- 00017949	GOOG- ROWE- 00017957	
	**	D33 (cont.)	GOOG- ROWE- 00017919	GOOG- ROWE- 00017919	
	**	D33 (cont.)	GOOG- ROWE- 00082816	GOOG- ROWE- 00082820	
	**	D33 (cont.)	GOOG- ROWE- 00082918	GOOG- ROWE- 00082922	
	**	D33 (cont.)	GOOG- ROWE- 00082726	GOOG- ROWE- 00082731	

	**	D33 (cont.)	GOOG- ROWE- 00082821	GOOG- ROWE- 00082827	
	**	D33 (cont.)	GOOG- ROWE- 00079122	GOOG- ROWE- 00079124	
	**	D33 (cont.)	GOOG- ROWE- 00079128	GOOG- ROWE- 00079129	
	**	D33 (cont.)	GOOG- ROWE- 00079156	GOOG- ROWE- 00079161	
	**	D34	GOOG- ROWE- 00067253	GOOG- ROWE- 00067256	
	**	D34 (cont.)	GOOG- ROWE- 00067257	GOOG- ROWE- 00067264	
	**	D34 (cont.)	GOOG- ROWE- 00067272	GOOG- ROWE- 00067272	
	**	D34 (cont.)	GOOG- ROWE- 00067265	GOOG- ROWE- 00067271	
	**	D34 (cont.)	GOOG- ROWE- 00067273	GOOG- ROWE- 00067273	
	**	D34 (cont.)	GOOG- ROWE- 00082950	GOOG- ROWE- 00082955	
	**	D34 (cont.)	GOOG- ROWE- 00082637	GOOG- ROWE- 00082646	
	**	D34 (cont.)	GOOG- ROWE- 00079242	GOOG- ROWE- 00079242	
	**	D34 (cont.)	GOOG- ROWE- 00079062	GOOG- ROWE- 00079063	
	**	D34 (cont.)	GOOG- ROWE- 00079056	GOOG- ROWE- 00079061	
	**	D35	GOOG- ROWE- 00053848	GOOG- ROWE- 00053851	

	**	D35 (cont.)	GOOG- ROWE- 00053869	GOOG- ROWE- 00053874	
	**	D35 (cont.)	GOOG- ROWE- 00053825.R	GOOG- ROWE- 00053825.R	
	**	D35 (cont.)	GOOG- ROWE- 00067225	GOOG- ROWE- 00067232	
	**	D35 (cont.)	GOOG- ROWE- 00067214	GOOG- ROWE- 00067218	
	**	D35 (cont.)	GOOG- ROWE- 00082732	GOOG- ROWE- 00082739	
	**	D35 (cont.)	GOOG- ROWE- 00082900	GOOG- ROWE- 00082908	
	**	D36	EXHIBIT INTENTIONALLY LEFT BLANK		
	**	D37	EXHIBIT INTENTIONALLY LEFT BLANK		
^		D38	P001584	P001585	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – document concerns roles not at issue in this case; no evidence this document was considered/relied upon by any decision-maker
	**	D39	Solutions Consultant Job Ladder (Produced to Plaintiff without bates)		
	*	D40	GOOG- ROWE-P- 00000827	GOOG- ROWE-P- 00000828	Fed R. Evid. 801 (Hearsay) – Summary of Stuart Breslow’s background as characterized by Tariq Shaukat offered for its truth
	**	D41	GOOG- ROWE- 00056975	GOOG- ROWE- 00056976	
	**	D42	GOOG- ROWE- 00061917	GOOG- ROWE- 00061966	

	*	D43	GOOG- ROWE- 00063979	GOOG- ROWE- 00064012	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff; Fed. R. Evid. 801 (Hearsay) – out-of-court opinions about candidate’s qualifications for the Technical Director role offered for their truth
	*	D44	GOOG- ROWE- 00063516	GOOG- ROWE- 00063589	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff; Fed. R. Evid. 801 (Hearsay) – out-of-court opinions about candidate’s qualifications for the Technical Director role offered for their truth
		D45	GOOG- ROWE- 00017721	GOOG- ROWE- 00017721	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the FSLV role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – includes unattributed feedback and commentary from unknown source(s) offered for its truth
	**	D46	GOOG- ROWE- 00019062	GOOG- ROWE- 00019062	

	**	D47	P000550	P000552	
	**	D48	GOOG- ROWE- 00058500	GOOG- ROWE- 00058500	
^		D49	GOOG- ROWE- 00062494	GOOG- ROWE- 00062499	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – document of unknown origin regarding Nicholas Harteau’s ladder transfer is not relevant, and will prejudice, mislead and confuse the jury; Fed. R. Evid. 801 (Relevance, Prejudice) – out-of-court statements about Nicholas Harteau’s performance and qualifications offered for their truth
^	*	D50	GOOG- ROWE- 00082724	GOOG- ROWE- 00082724	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D50	GOOG- ROWE- 00082973	GOOG- ROWE- 00082973	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative
^	*	D50 (cont.)	GOOG- ROWE- 00082871	GOOG- ROWE- 00082876	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative
^	*	D50 (cont.)	GOOG- ROWE- 00082672	GOOG- ROWE- 00082681	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative
^	*	D50 (cont.)	GOOG- ROWE- 00082964	GOOG- ROWE- 00082969	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D50 (cont.)	GOOG- ROWE- 00082956	GOOG- ROWE- 00082963	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.

^	*	D50 (cont.)	GOOG- ROWE- 00082881	GOOG- ROWE- 00082885	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D50 (cont.)	GOOG- ROWE- 00082790	GOOG- ROWE- 00082797	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D50 (cont.)	GOOG- ROWE- 00082689	GOOG- ROWE- 00082696	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D50 (cont.)	GOOG- ROWE- 00079140	GOOG- ROWE- 00079144	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D50 (cont.)	GOOG- ROWE- 00079004	GOOG- ROWE- 00079005	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D50 (cont.)	GOOG- ROWE- 00079000	GOOG- ROWE- 00079000	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D50 (cont.)	GOOG- ROWE- 00082697	GOOG- ROWE- 00082701	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D51	GOOG- ROWE- 00082877	GOOG- ROWE- 00082880	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.

^	*	D51 (cont.)	GOOG- ROWE- 00082725	GOOG- ROWE- 00082725	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D51 (cont.)	GOOG- ROWE- 00082751	GOOG- ROWE- 00082763	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D51 (cont.)	GOOG- ROWE- 00082887	GOOG- ROWE- 00082899	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D51 (cont.)	GOOG- ROWE- 00082798	GOOG- ROWE- 00082800	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D51 (cont.)	GOOG- ROWE- 00082713	GOOG- ROWE- 00082723	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D51 (cont.)	GOOG- ROWE- 00082854	GOOG- ROWE- 00082863	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D51 (cont.)	GOOG- ROWE- 00082662	GOOG- ROWE- 00082671	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D51 (cont.)	GOOG- ROWE- 00082867	GOOG- ROWE- 00082870	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D51 (cont.)	GOOG- ROWE- 00082772	GOOG- ROWE- 00082781	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.

^	*	D51 (cont.)	GOOG- ROWE- 00082801	GOOG- ROWE- 00082804	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^	*	D51 (cont.)	GOOG- ROWE- 00082782	GOOG- ROWE- 00082789	Fed. R. Evid. 402, 403 (Relevance, Prejudice, Hearsay) – Will cause unfair prejudice, confuse the issues, mislead the jury, and is needlessly cumulative.
^		D52	GOOG- ROWE- 00063425	GOOG- ROWE- 00063428	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – document of unknown origin regarding Ben Wilson’s ladder transfer is not relevant, and will prejudice, mislead and confuse the jury; Fed. R. Evid. 801 (Relevance, Prejudice) – out-of-court statements about Ben Wilson’s performance and qualifications offered for their truth
	**	D53	GOOG- ROWE- 00054267	GOOG- ROWE- 00054267	
	**	D54	GOOG- ROWE- 00018551	GOOG- ROWE- 00018552	
	*	D55	GOOG- ROWE- 00059007	GOOG- ROWE- 00059012	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the FSLV role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – includes unattributed feedback and commentary from unknown source(s) offered for its truth
	**	D56	P000729	P000733	
	**	D57	P000735	P000735	
	**	D58	GOOG- ROWE-P- 00000773	GOOG- ROWE-P- 00000775	
	**	D59	GOOG- ROWE- 00059673	GOOG- ROWE- 00059677	

	**	D60	GOOG- ROWE- 00017569	GOOG- ROWE- 00017570	
	**	D61	GOOG- ROWE- 00057020	GOOG- ROWE- 00057020	
	*	D62	GOOG- ROWE- 00017533	GOOG- ROWE- 00017538	Fed R. Evid. 801 (Hearsay) – out-of-court statement about Plaintiff’s fitness for the FSLV role being offered for its truth
	**	D63	GOOG- ROWE- 00017717	GOOG- ROWE- 00017720	
	*	D64	GOOG- ROWE- 00056972	GOOG- ROWE- 00056972	Fed R. Evid. 801 (Hearsay) – out-of-court statements offered for their truth, including double-hearsay statements about statements made by others, concerning the FSVL role
	*	D65	GOOG- ROWE- 00056487	GOOG- ROWE- 00056488	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the FSLV role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – includes unattributed feedback and commentary from unknown source(s) offered for its truth
^	*	D66	GOOG- ROWE- 00053763	GOOG- ROWE- 00053763	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – document reflects a web tool that (a) Google stopped using 12/1/17 and (b) was not used for any leveling decision relevant to this case. Admission would prejudice, mislead and confuse jurors to draw incorrect/unsupported conclusions
	**	D67	GOOG- ROWE- 00018011	GOOG- ROWE- 00018013	

	*	D68	GOOG- ROWE- 00065032	GOOG- ROWE- 00065090	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of a Technical Director candidate three years after Plaintiff’s hire and protected complaints is not relevant as Plaintiff was not considered against this candidate, and admission will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – includes feedback and commentary offered for its truth
	*	D69	GOOG- ROWE- 00064910	GOOG- ROWE- 00064968	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of a Technical Director candidate three years after Plaintiff’s hire and protected complaints is not relevant as Plaintiff was not considered against them, and admission will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – includes feedback and commentary offered for its truth;
	*	D70	GOOG- ROWE- 00055394.R	GOOG- ROWE- 00055418.R	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the VP-FS role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – out-of-court opinions about candidate’s qualifications for the VP-FS role offered for their truth

	*	D71	GOOG- ROWE- 00062337	GOOG- ROWE- 00062344	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the FSLV role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – includes feedback and commentary offered for its truth
		D72	GOOG- ROWE- 00063421	GOOG- ROWE- 00063424	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the FSLV role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – candidate’s resume offered for its truth
		D73	GOOG- ROWE- 00061871	GOOG- ROWE- 00061872	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the FSLV role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – candidate’s resume offered for its truth

		D74	GOOG- ROWE- 00082370	GOOG- ROWE- 00082372	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the FSLV role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – out-of-court statements concerning consideration process offered for their truth Further object because Google did not produce this document until November 17, 2022, over 1 ½ years after the close of discovery
	**	D75	GOOG- ROWE- 00082367	GOOG- ROWE- 00082369	
		D76	GOOG- ROWE- 00082359	GOOG- ROWE- 00082366	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the VP-FS role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – out-of-court statements concerning consideration process offered for their truth Further object because Google did not produce this document until November 17, 2022, over 1 ½ years after the close of discovery

		D77	GOOG- ROWE- 00082356	GOOG- ROWE- 00082358	<p>Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the VP-FS role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – out-of-court statements concerning consideration process offered for their truth</p> <p>Further object because Google did not produce this document until November 17, 2022, over 1 ½ years after the close of discovery</p>
		D78	GOOG- ROWE- 00082351	GOOG- ROWE- 00082355	<p>Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the VP-FS role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – out-of-court statements concerning consideration process offered for their truth</p> <p>Further object because Google did not produce this document until November 17, 2022, over 1 ½ years after the close of discovery</p>

	*	D79	GOOG- ROWE- 00078164	GOOG- ROWE- 00078169	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the VP-FS role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – out-of-court opinions about candidate’s qualifications for the VP-FS role offered for their truth
		D80	GOOG- ROWE- 00017873.R	GOOG- ROWE- 00017875.R	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration of other candidates for the FSLV role is not relevant, as Plaintiff was not considered against them, and will prejudice, mislead and confuse the jury; Fed R. Evid. 801 (Hearsay) – includes unattributed feedback and commentary from unknown source(s) offered for its truth
	**	D81	GOOG- ROWE- 00060560	GOOG- ROWE- 00060562	
		D82	GOOG- ROWE- 00069067	GOOG- ROWE- 00069071	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.

		D83	GOOG- ROWE- 00068834	GOOG- ROWE- 00068838	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.
		D84	GOOG- ROWE- 00068890	GOOG- ROWE- 00068894	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.
		D85	GOOG- ROWE- 00068703	GOOG- ROWE- 00068708	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.
		D86	GOOG- ROWE- 00064541	GOOG- ROWE- 00064544	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.

		D87	GOOG- ROWE- 00068515	GOOG- ROWE- 00068518	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.
		D88	GOOG- ROWE- 00068946	GOOG- ROWE- 00068951	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.
		D89	GOOG- ROWE- 00068895	GOOG- ROWE- 00068900	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.
		D90	GOOG- ROWE- 00068797	GOOG- ROWE- 00068801	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.

		D91	GOOG- ROWE- 00069008	GOOG- ROWE- 00069015	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.
		D92	GOOG- ROWE- 00068680	GOOG- ROWE- 00068683	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.
		D93	GOOG- ROWE- 00068776	GOOG- ROWE- 00068779	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.
		D94	GOOG- ROWE- 00068606	GOOG- ROWE- 00068610	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of Google’s consideration and leveling of other OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s leveling; Google did not consider other leveling decisions and the reasons for them when leveling Plaintiff.
	**	D95	GOOG- ROWE- 00019996	GOOG- ROWE- 00019997	
	**	D96	GOOG- ROWE- 00078369	GOOG- ROWE- 00078374	

	**	D97	GOOG- ROWE- 00078434	GOOG- ROWE- 00078440	
	**	D98	GOOG- ROWE- 00078508	GOOG- ROWE- 00078514	
	**	D99	GOOG- ROWE- 00078530	GOOG- ROWE- 00078535	
	**	D100	GOOG- ROWE- 00078460	GOOG- ROWE- 00078464	
	**	D101	GOOG- ROWE- 00078411	GOOG- ROWE- 00078417	
	**	D102	GOOG- ROWE- 00068214	GOOG- ROWE- 00068254	
	*	D102 (cont.)	GOOG- ROWE- 00067314	GOOG- ROWE- 00067348	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of compensation Google paid to OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s claims; Google did not consider other compensation decisions and the reasons for them when compensating Plaintiff.
	*	D102 (cont.)	GOOG- ROWE- 00068255	GOOG- ROWE- 00068297	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of compensation Google paid to OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s claims; Google did not consider other compensation decisions and the reasons for them when compensating Plaintiff.
	*	D102 (cont.)	GOOG- ROWE- 00067464	GOOG- ROWE- 00067495	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of compensation Google paid to OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s claims; Google did not consider other compensation decisions and the reasons for them when compensating Plaintiff.

	**	D102 (cont.)	GOOG- ROWE- 00067600	GOOG- ROWE- 00067632	
	**	D102 (cont.)	GOOG- ROWE- 00067538	GOOG- ROWE- 00067585	
	**	D102 (cont.)	GOOG- ROWE- 00067931	GOOG- ROWE- 00067955	
	**	D102 (cont.)	GOOG- ROWE- 00068171	GOOG- ROWE- 00068213	
	**	D102 (cont.)	GOOG- ROWE- 00067282	GOOG- ROWE- 00067313	
	*	D102 (cont.)	GOOG- ROWE- 00067349	GOOG- ROWE- 00067365	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of compensation Google paid to OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s claims; Google did not consider other compensation decisions and the reasons for them when compensating Plaintiff.
	*	D102 (cont.)	GOOG- ROWE- 00067392	GOOG- ROWE- 00067432	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of compensation Google paid to OCTO Technical Directors at Level 8 has no bearing on Plaintiff’s claims; Google did not consider other compensation decisions and the reasons for them when compensating Plaintiff.
	*	D102 (cont.)	GOOG- ROWE- 00067633	GOOG- ROWE- 00067652	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of compensation Google paid to OCTO Technical Directors at Level 7 or 8 has no bearing on Plaintiff’s claims; Google did not consider other compensation decisions and the reasons for them when compensating Plaintiff.
	*	D102 (cont.)	GOOG- ROWE- 00067729	GOOG- ROWE- 00067743	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of compensation Google paid to OCTO Technical Directors at Level 7 or 8

					has no bearing on Plaintiff's claims; Google did not consider other compensation decisions and the reasons for them when compensating Plaintiff.
	*	D102 (cont.)	GOOG- ROWE- 00067685	GOOG- ROWE- 00067728	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of compensation Google paid to OCTO Technical Directors at Level 8 has no bearing on Plaintiff's claims; Google did not consider other compensation decisions and the reasons for them when compensating Plaintiff.
	*	D102 (cont.)	GOOG- ROWE- 00068298	GOOG- ROWE- 00068332	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of compensation Google paid to OCTO Technical Directors at Level 8 has no bearing on Plaintiff's claims; Google did not consider other compensation decisions and the reasons for them when compensating Plaintiff.
	*	D102 (cont.)	GOOG- ROWE- 00068333	GOOG- ROWE- 00068366	Fed. R. Evid. 402, 403 (Relevance, Prejudice) – evidence of compensation Google paid to OCTO Technical Directors at Level 8 has no bearing on Plaintiff's claims; Google did not consider other compensation decisions and the reasons for them when compensating Plaintiff.

Appendix C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
ULKU ROWE,	:	
	:	
	Plaintiff,	:
	:	19 Civ. 8655 (LGS)
-against-	:	
	:	<u>ORDER</u>
GOOGLE LLC,	:	
	Defendant,	:
	:	
-----X		

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Defendant filed two motions in limine, and Plaintiff filed six motions in limine, one in the form of a letter motion. The motions are resolved as stated below. All references to rules refer to the Federal Rules of Evidence.

1. Defendant's First MIL (Dkt. No. 234). Defendant's motion to exclude evidence of "leveling determinations," outside of Level 8 and 9 Technical Directors in the Office of the CTO, is DENIED to the extent that Plaintiff may introduce evidence of (1) leveling decisions by Tariq Shaukat, whom Plaintiff alleges treated her in a discriminatory manner and (2) re-leveling decisions to illustrate that re-leveling was possible. This evidence is relevant under Rule 401 to show whether Plaintiff was treated in a discriminatory manner and with discriminatory intent. Defendant has not articulated any unfair prejudice or jury confusion, and any time spent on Defendants' contrary evidence is not wasted time and is outweighed by the probative value of the evidence. *See* Rule 403.
2. Defendant's Second MIL (Dkt. No. 236). Defendant's motion to exclude evidence of other employees' complaints of alleged unfair treatment by Defendant is GRANTED in part and DENIED in part. Evidence concerning the following is excluded under Rule 403 as the

evidence has limited, if any, probative value and is likely to confuse the jury in a way that will prejudice Defendant: (1) the *Haggan* and *Ellis* class actions, which were settled and did not include Plaintiff within the class, (2) protests principally concerning sexual harassment, which is not at issue in this case, and the resulting 2018 walkout and (3) a gender complaint against Stuart Breslow that did not involve Plaintiff. Evidence of the following is permitted:

(1) the December 2019 complaint of a Level 6 employee who was re-leveled to Level 7, to show that re-leveling was possible.

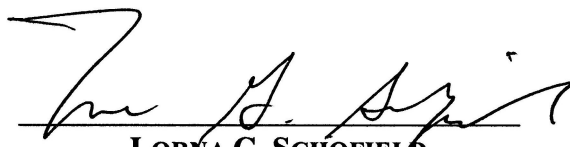
3. Plaintiff's First MIL (Dkt. No. 238). Plaintiff's motion to exclude evidence of other candidates for the FSVL role for which she was not hired is DENIED, as this evidence is part of the factual background relevant under Rule 401 to show whether Defendant acted with discriminatory or retaliatory intent.
4. Plaintiff's Second MIL (Dkt. No. 240). Plaintiff's motion to exclude as hearsay evidence of oral feedback from interviewers is DENIED, as the evidence is offered for its effect on Defendant's hiring manager and not for the truth. *See* Rule 802. Plaintiff may submit a joint proposed limiting instruction to this effect at the time the evidence is presented.
5. Plaintiff's Third MIL (Dkt. No. 242). Plaintiff's motion to exclude evidence of other candidates for the VP-FS role for which she was not interviewed is DENIED, as the evidence is relevant under Rule 401 to whether Defendant acted with retaliatory intent, and Plaintiff has not been prejudiced by the timeliness (or not) of the production of related documents. *See* Rule 403.
6. Plaintiff's Fourth MIL (Dkt. No. 244). Plaintiff's motion to exclude evidence of leveling determinations of male L8 Directors is DENIED because it is relevant under Rule 401 to show whether Plaintiff, who was hired as a Technical Director as an L8, was treated less well

than similarly situated men, and whether Plaintiff was more like others hired at L8 than those leveled at L9. For the same reason, the evidence will not confuse the jury with extraneous and irrelevant information. *See* Rule 403.

7. Plaintiff's Fifth MIL (Dkt. No. 246). Plaintiff's motion to permit leading questions of Defendant's employees as hostile witnesses is DENIED in part and GRANTED in part as follows: Plaintiff may treat as hostile witnesses (1) Defendant's current employees because Defendant does not object to Plaintiff's doing so, (2) Tariq Shaukat because Plaintiff accuses him of discriminatory conduct that is in part the basis for this action and (3) any former employee who at the time of trial is represented by defense counsel and who participates with defense counsel in preparing their testimony. The motion is denied as to any remaining employees. At least three weeks prior to the commencement of trial, defense counsel shall identify for Plaintiff any former employees as to whom the motion is denied.
8. Plaintiff's Sixth MIL (Dkt. No. 289). Plaintiff's motion to preclude Defendant from calling Dave Rensin as a witness is DENIED to the extent that Defendant may question Rensin about (1) the TSC Job Ladder generally and what it represents, but not in reference to Plaintiff or any other particular employee, and (2) any feedback from his interview of Plaintiff that he provided to those who made her leveling decision, not to be offered for the truth, but as information that was considered. As to item (2), Plaintiff may submit a joint proposed limiting instruction at the time the evidence is presented.

The Clerk of Court is respectfully directed to close the motions at Dkt. No. 234, 236, 238, 240, 242, 244, 246 and 289.

Dated: January 13, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE